



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 15506-25 T.P.

AGENCY DKT. NO. **S670684012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's shelter placement, and imposed a six-month EA ineligibility penalty, contending that she was involved in a physical altercation with another shelter resident, and in possession of an item used as a weapon, which required the involvement of law enforcement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing in this matter was initially scheduled for December 11, 2025, at which time an adjournment was granted. On January 12, 2026, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 27, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, possessing a weapon or an instrument used as a weapon, or engaging in threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(1), -6.3(c)(3) and -6.3(c)(5).

Here, the record reveals that Petitioner applied for EA benefits on July 8, 2025, and was placed under immediate need at a shelter placement, while her application was evaluated. See Initial Decision at 4; see also Exhibit R-1 and N.J.A.C. 10:90-1.3. On August 8, 2025, Petitioner was approved for EA benefits and, on that same date, Petitioner was involved in a violent altercation at the shelter, where she used pepper spray which affected other shelter residents and staff, and was removed from the premises following law enforcement involvement and a request from the shelter to the Agency. See Initial Decision at 4; see also Exhibits R-4, R-5, R-8. Thereafter, the Agency terminated Petitioner's shelter placement, denied her application for EA benefits, and issued a six-month ineligibility penalty for receipt of EA benefits. *Ibid.*; see also Exhibit R-6, and N.J.A.C. 10:90-6.3(c)(3). The altercation between Petitioner and the other shelter residents was testified to at the time of the hearing, and was entered into the record via video recording and an incident report prepared by the shelter manager. See Initial Decision at 4; see also Exhibits R-4, R-5, R-6, R-8. Based upon the testimonial and documentary evidence presented, the ALJ found that Petitioner was an aggressor in the August 8, 2025 violent altercation



at the shelter which resulted in the use of pepper spray. See Initial Decision at 4; see also Exhibits R-4, R-5, R-6, R-8, and N.J.A.C. 10:90-6.3(c)(3).

Based on the foregoing, the ALJ concluded that Petitioner had violated the rules of her shelter placement by engaging in a physical altercation with another shelter resident and the use of pepper spray on shelter property which caused harm to other shelter residents and staff and caused her to be removed from the shelter, thus causing own homelessness, and accordingly, concluded that the termination of shelter placement and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4-5; see also Exhibits R-4, R-5, R-6, R-8, and N.J.A.C. 10:90-6.3(c)(3). I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, her six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. February 12, 2026

Natasha Johnson
Assistant Commissioner

