



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 12887-24 D.B.

AGENCY DKT. NO. C455714016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits, and did not qualify for any further extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed on December 20, 2024. On December 23, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on December 23, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." Immediate need, in relevant part, "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). "In situations where immediate need exists and other appropriate services are not immediately available to meet the needs of the assistance unit, or if the applicant expresses a need for [EA], the [Agency] shall ensure that the application is processed that day ...." N.J.A.C. 10:90-1.3(a)(2). Of note, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable.

Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, had received at least 18 months of EA benefits, which included one six-month extreme hardship extension, and as such, had exhausted her 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions. Exhibit R-1 at 3-5, and N.J.A.C. 10:90-6.4(a), (b), (c). In relevant part, the record also reflects that Petitioner is not a Supplemental Security Income ("SSI") benefits recipient, has not been determined to be chronically unemployable, and has failed to provide the Agency with a MED-1 form indicating a 12-month disability, any of which are required in this case to meet the criteria for an extension of EA benefits under the Emergency Assistance for Special Groups ("EASG") pilot program. See Initial Decision at 2-3; see also Exhibit R-2, and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EA for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549 (extending EA benefits eligibility



for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, or chronically unemployable, and SSI benefits recipients) and Division of Family Development Instruction ("DFDI") No. 24-03-01. Based on the foregoing, I concur with the ALJ's conclusion that Petitioner is ineligible for EA benefits, and as such, that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 5; see also Exhibit R-1 at 1-2.

Further, due to the onset of cold weather, the ALJ instructed the Agency to provide Petitioner with EA benefits through January 31, 2025, which would be considered immediate need housing. See Initial Decision at 3-5. I respectfully disagree. Rather, I find that regulatory authority does not allow for immediate need benefits in this instance due to the termination of EA benefits under appeal. See N.J.A.C.10:90-1.3(a)(2). However, Petitioner is advised that she may reapply for and extension EA benefits pursuant to EASG, and must provide the Agency with a 12-month MED-1 form. See N.J.S.A. 44:10-51(a)(3). Should she reapply and appear otherwise eligible, the Agency is directed to provide Petitioner with immediate need housing. See N.J.A.C.10:90-1.3(a)(2). Should she reapply and appear otherwise eligible, the Agency is also directed to assist Petitioner with the expedition of her EA benefits application. Petitioner is further advised that it is the Agency who shall determine the most appropriate form of EA needed to address Petitioner's circumstances, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

By way of comment, the record reflects a brief discussion regarding Petitioner's non-compliance with the Work First New Jersey ("WFNJ") work activity requirements. See Initial Decision at 3-4; see also Exhibit R-2, and N.J.A.C. 10:90-4.1. However, I find that issue to be irrelevant in this matter. Additionally, that issue was not addressed in the Agency's adverse action notice put into the record in this matter, nor was it a transmitted issue. Therefore, that issue was not addressed in this Final Agency Decision. See Exhibit R-1 at 1-2.

By way of further comment, the Agency also 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.

Also, by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version. December 26, 2024

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Natasha Johnson  
Assistant Commissioner

