



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07873-24 D.J.**

AGENCY DKT. NO. **C060319011 (MERCER 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, plus all applicable extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 3, 2024, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 20, 2024, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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

The lifetime limit of EA benefits shall be deferred for up to six months where the EA termination would unfairly penalize an EA benefits recipient who is, or has been, victimized by family violence, or who is at risk of further family violence. See N.J.A.C. 10:90-6.4(f).

Consistent with the Work First New Jersey ("WFNJ") regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [...] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request a waiver of WFNJ program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), and -20.4(a)(2), (b)(2). The FVO does not authorize the provision of WFNJ benefits indefinitely based on an individual's history of domestic violence. See DFD Instruction ("DFDI") 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.7, -20.8, -20.9, and DFDI 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months or sooner depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c)(1), -20.9(c)(1).

Here, the record reflects that Petitioner has received a cumulative total of 36 months of EA benefits, beginning in July 2021, including two six-month extreme hardship extensions, and as such, the Agency terminated Petitioner's EA benefits, effective June 12, 2024, on the basis that she had exhausted her lifetime limit of EA benefits, plus all available extensions. See Initial Decision at 2-3, see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.4(a), (b), (d).



The record further reflects that Petitioner has been a victim of past domestic violence, and therefore, on April 11, 2024, an FVO risk assessor for the Agency completed a Family Violence Risk Assessment Referral to determine the level of continued risk of family violence to Petitioner and her minor child. See Initial Decision at 2. The assessment indicated Petitioner was "low risk" and did not recommend an extension of the EA time-limit waiver. See Initial Decision at 3; see also Exhibit R-3. The ALJ found that, as Petitioner is no longer at risk of family violence, and that she has exhausted the two six-month hardship extensions provided beyond the original twelve-month limit of EA, thus reaching her cumulative lifetime limit of EA benefits, that Petitioner is ineligible for EA. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(d)(2), (f). I agree.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. October 16, 2024

Natasha Johnson
Assistant Commissioner

