



## 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 14363-24 D.S.

AGENCY DKT. NO. C164035009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that after having applied the required 7-year disregard of EA benefits, Petitioner had exhausted her 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2024, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 15, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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

N.J.S.A. 44:10-51(a)(4) ("7-year disregard"), provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24 cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits.

Based on an independent review of the record, I find that Petitioner had received 12 months of the EA benefits, plus two six-month extreme hardship extensions of EA benefits, and a presumed three months of EA benefit pursuant to an EA benefits pilot program, for a total of 27 units of EA benefits, beginning August 5, 2011, through October 1, 2013. See Initial Decision at 2-3; see also Exhibit R-3. Additionally, I take official notice of the records of this office, and find that, as of September 26, 2024, Petitioner had received 10 months of EA benefits, for a total of 22 months of EA benefits, and as such, in accordance with the statutory authority set forth in N.J.S.A. 44:10-51(a)(4), Petitioner is eligible for an additional 2 months of EA benefits. See N.J.A.C. 1:1-15.2(a), and N.J.R.E. 201(b)(4); see also DFDI No. 19-07-01. Further, I find that Petitioner has already received two six-month extreme hardship extensions of EA benefits during the 7-year disregard period, and as such, there is no regulatory authority by which she is eligible for any additional extreme hardship extensions of EA benefits. See Initial Decision at 3, 5; see also N.J.A.C. 10:90-6.4(b), (d), N.J.S.A. 44:10-51(a)(4), and DFDI No. 19-07-01.



Accordingly, I find that Petitioner is eligible for an additional 2 months of EA benefits, and on that basis, I concur with the ALJ's reversal of the Agency's termination of Petitioner's EA benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.4(b). The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.      October 23, 2024

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Natasha Johnson  
Assistant Commissioner

