



## State of New Jersey

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*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 **15196-24 D.W.**

AGENCY DKT. NO. **C060703006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance benefits ("EA"), and the denial of an extension of EA benefits. The Agency terminated Petitioners' EA benefits, contending that she had exhausted her 12-month lifetime limit of EA benefits, and denied her an extreme hardship extension of those benefits, contending that she was not eligible for a hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2024, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On that same date, the ALJ issued an Initial Decision, reversing 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 hereby ADOPT the Initial Decision and REVERSE the Agency's determination, based on the discussion below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the ALJ found that Petitioner received twelve non-consecutive months of EA benefits beginning in August 2023, through October 2024. See Initial Decision at 2; see also Exhibit R-3. The Agency properly noticed Petitioner regarding the termination of her EA benefits on September 4, 2024, with an effective termination date of October 31, 2024. See Initial Decision at 3; see also Exhibit R-1. The notice informed Petitioner that additional EA benefits may be available if Petitioner met certain hardship extension eligibility criteria and demonstrated the need for continued EA benefits. Ibid. Petitioner submitted the EA hardship extension application form in person, at the Agency, on October 15, 2024. Ibid.; see also Exhibit R-2. Petitioner did not, however, indicate on the form which criteria for eligibility would apply to her particular situation, and although she asked an Agency employee for assistance in understanding and completing the form, she was not provided such assistance and her submission was stamped only as "received." Ibid. On October 21, 2024, Petitioner attended a hiring event, was interviewed, and was offered employment on October 25, 2024, which was conditioned on her orientation attendance on October 31, 2024. Ibid. Petitioner was unable to attend the October 31, 2024, orientation, however, as she had lost her EA benefits, which were providing for her temporary housing for herself and her minor



child, on that date. Ibid. Petitioner, however, maintains that she will attend an orientation on November 13, 2024, and will thereafter be employed full-time. Ibid.

One of the eligibility criteria for an EA hardship extension is that an extension “shall be provided when there is the danger of a loss of employment or a bona fide offer of employment.” See N.J.A.C. 10:90-6.4(b)(1)(i). In the present matter, although the ALJ acknowledged that Petitioner’s hardship extension application was submitted late, as well as incomplete, the form was submitted prior to the termination of her EA benefits. See Initial Decision at 4; see also Exhibit R-2. The ALJ does contend that the Agency employee could have offered further assistance which may have led Petitioner to properly complete the hardship extension paperwork. Ibid. Petitioner’s attempts to secure full-time employment, including attending a mandatory orientation, were thwarted due to her loss of EA benefits and by extension, her housing, on the orientation date. See Initial Decision at 5.

Accordingly, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits, however, the Agency terminated Petitioner’s EA benefits and denied Petitioner an extreme hardship extension of EA benefits without the benefit of a properly completed application to evidence eligibility for a hardship extension. See Initial Decision at 5; see also Exhibits R-1, R-2, R-3, and N.J.A.C. 10:90-6.1(a). Based on the foregoing, the ALJ concluded that the Agency did not meet its burden of proving that the termination of benefits was proper, nor that the denial of Petitioner’s EA hardship extension was warranted and, as such, the ALJ found that the Agency’s denial of such hardship extension must be reversed. Ibid. While it is clear that Petitioner did, in fact, exhaust her 12-month lifetime limit of EA benefits, based on the record presented, particularly Petitioner’s promise of employment, I agree with the ALJ’s final conclusion with respect to the reversal of the denial of a hardship extension, and direct the Agency to provide Petitioner with EA benefits on an expedited basis.

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

Officially approved final version. November 14, 2024

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Natasha Johnson  
Assistant Commissioner

