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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 12844-24 I.S.

AGENCY DKT. NO. C369364007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had exhausted her lifetime limit of EA benefits, plus all available extensions, and is not a Work First New Jersey ("WFNJ") benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, as she is employed and has earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 19, 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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits are limited to 12 months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." See N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. Ibid. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

N.J.S.A. 44:10-51(a)(4) (also known as the [EA] 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." See also DFD Instruction ("DFDI") 19-07-01.

An independent review of the record in this matter reflects that Petitioner, her adult child, and a minor autistic child, were in a house fire on August 26, 2024. See Exhibit R-1 at 8. The Initial Decision states that neither the landlord, apparently one of the largest housing non-profits in Essex County, nor the insurance carrier, have provided the family with a projected return date, nor have they offered short-term placement or financial assistance. See Initial Decision at 2. As stated by Petitioner's counsel, the family was given "a few days" stay at a hotel by the Red Cross following the fire. See Exhibit R-1 at 8. On August 30, 2024, Petitioner applied for EA benefits. Ibid. Petitioner's minor autistic child receives SSI benefits, and attends school. Ibid.; see also Exhibit R-1 at 14. At the time of the EA application, the father of the



minor child did not live with the family, but assists with taking care of child when he is not in school, as Petitioner herself is employed part-time, earning approximately \$2,500 a month. See Initial Decision at 5; see also Exhibit R-1 at 9. When Petitioner's earned income is considered with the monthly unearned SSI income received, on behalf of Petitioner's minor son, of \$974, the household's total income is more than \$3,000. See Initial Decision at 5; see also Exhibit R-1 at 8. Petitioner's adult son who resides in the home attends a local college full-time. See Initial Decision at 3. The record further reflects that Petitioner received EA benefits, thereby exhausting her lifetime limit of 12-months, plus 12 months of hardship extensions, between September 2006, and April 2008. See Exhibit R-1 at 17-21.

The ALJ in this matter found that Petitioner would be subject to the 7-year disregard, thereby resetting her EA clock, and further, that while Petitioner herself would not be EA eligible, given her income which makes her "non-needy," she nonetheless would qualify for EA benefits by virtue of her SSI child. See Initial Decision at 5. I disagree. While Petitioner herself could conceivably receive 12 months of EA benefits as a result of the 7-year disregard, it is undisputed that Petitioner does not qualify for EA benefits, due to her income, which renders her ineligible for WFNJ benefits, a prerequisite for EA eligibility. See N.J.A.C. 10:90-6.2(a). Moreover, there is nothing in the 7-year disregard statute, nor in the applicable DFDI, that extends eligibility for EA benefits to an SSI child only case. See N.J.S.A. 44:10-51(a)(4) and DFDI 19-07-01.

Further, with respect to the minor child's father potential eligibility for EA benefits, it is clear that, at the time of the application on August 30, 2024, he did not reside with Petitioner, and as such, he is not a part of the assistance unit. See Exhibit R-1 at 9. Additionally, the record is unclear if the child's father has since moved in with the family, and if he quit his employment to move in with the family and assist with caring for the minor child, which, if true, could render the father ineligible for WFNJ benefits, and consequently EA benefits, for a period of 90-days. See Exhibit R-1 at 14; see also N.J.A.C. 10:90-1.15. Finally, Petitioner's adult son would be ineligible for WFNJ benefits, and therefore also ineligible for EA benefits, by virtue of his status as a full-time college student. <https://www.nj.gov/treasury/omb/publications/24approp/AppropriationsHandbookFull.pdf> at B-142 ("Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C. 9A:1-1.2.").

Based on the foregoing, while I am sympathetic to Petitioner's situation, I find that the Agency's denial of EA benefits to Petitioner in this matter was proper and must stand. See Exhibit R-1 at 7.

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

Officially approved final version.

October 2, 2024

Natasha Johnson

Assistant Commissioner

