



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 **02028-24 J.R.**

AGENCY DKT. NO. **C127732001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of an extreme hardship extension of EA benefits. The Agency terminated Petitioner's EA benefits contending that Petitioner had exhausted his 12-month lifetime limit of EA benefits, and denied Petitioner an extreme hardship extension of said benefits, contending that did not qualify for such extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 11, 2024, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record closed on April 16, 2024, after allowing Petitioner an opportunity to provide documentation. On May 6, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the ALJ found that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, had received 12 months of EA benefits as of January 1, 2024, plus continued assistance pending the outcome of this fair hearing, and therefore, had exhausted his EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 5-19, and N.J.A.C. 10:90-6.4(a). Petitioner did not dispute that he had received the lifetime limit of EA benefits. See Initial Decision at 2. However, the ALJ found that Petitioner had taken reasonable steps to resolve his emergent situation, but his emergency nonetheless continues, and therefore, was eligible for an extreme hardship extension of EA benefits. Id. at 2-3, 5; see also N.J.A.C. 10:90-6.4(b). Specifically, the ALJ found that since his release from prison sometime in January 2022, Petitioner has been residing in sober living housing where his recovery, and ability to continue to work towards gaining employment is supported. See Initial Decision at 2-3. Further, the ALJ found Petitioner credible when he testified that with the continued support provided by his sober living housing, he will be able to obtain employment and resolve his emergent situation. Id. at 3, 5. Based on the foregoing, the ALJ concluded that Petitioner is eligible for a six-month extreme hardship extension of EA benefits, and as such, reversed the Agency's termination of Petitioner's EA benefits, and denial of an extreme hardship extension of EA benefits. Id. at 5; see also Exhibit R-1 at 1-4, 20-23. Based on the particular circumstance of this case, I agree. Of note, N.J.A.C. 10:90-6.4(b)(1) clearly states that the list of requirements for an extreme hardship extension "is not intended to be exhaustive," and that an extension for other situations not specifically mentioned in the list is permitted, after having first conferred with DFD.

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



Officially approved final version. June 27, 2024

Natasha Johnson
Assistant Commissioner

