



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 **10117-24 M.Y.**

AGENCY DKT. NO. **C088519003 (BURLINGTON COUNTY BD. 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 life time limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 30, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 4, 2024, the ALJ issued an Initial Decision, affirming 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the 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." N.J.A.C. 10:90-6.4; see also 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.

Here, the ALJ found that Petitioner has received fifty-four total months of EA as of September, 2024. See Initial Decision at 2; see also Exhibit R-1. While not specifically addressed in the Initial Decision, the record substantiates, that, following application of the seven-year disregard, the Agency allowed for the total of lifetime EA benefits available to Petitioner, which expired at the end of June 2024. See Exhibit R-1; see also DFD Instruction ("DFDI") 19-07-01 and N.J.S.A. 44:10-51(a)(4) (also known as [EA] 7-Year Disregard which 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, the MED-1 form submitted by Petitioner's physician on October 30, 2024, states that Petitioner was able to return to work as of April 7, 2024, and as such, is not a 12-month MED-1 form, which would be necessary to deem Petitioner permanently disabled and therefore possibly eligible for a further extension. See Initial Decision at 2; see also Exhibit R-2.



Based on the record provided, the ALJ concluded that the Agency had proven that Petitioner had exhausted her lifetime limit of EA benefits, plus all available extensions, and as such, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(a), (b). I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. December 04, 2024

Natasha Johnson
Assistant Commissioner

