



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 **05109-24 O.M.**

AGENCY DKT. NO. **C823946007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his 12-month lifetime limit of EA benefits, and did not meet the criteria for an extreme hardship extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2024, the Honorable Patrice E. Hobbs, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 23, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, 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(a), (b); 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. See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF recipient may receive is 24 months.

Here, the record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received 20 months of EA benefits, which includes 2 months of continued assistance pending the outcome of the fair hearing. See Initial Decision at 2; see also Exhibit R-1 at 13-16. As a WFNJ/TANF benefits recipient, I find that Petitioner may be eligible for up to 24 months of EA benefits, provided he meets the criteria for an extreme hardship extension of said benefits. See N.J.A.C. 10:90-6.4(b), (d). As both the Agency's adverse action notice and the Initial Decision are devoid of any discussion or actual substantive reasons pertaining to why Petitioner has not met the criteria for an extreme hardship extension, and as the ALJ's affirmation of the Agency's termination of Petitioner's EA benefits was mistakenly based on Petitioner having used 18 months of EA benefits, thereby exhausting "the maximum allowed for shelter placement," I hereby reverse the Agency's determination, and remand the matter to the Agency to reevaluate Petitioner for an additional six-month extreme hardship extension of EA benefits, meaning up to 24 months total of EA benefits, on an expedited basis, taking into account the EA benefits Petitioner has received as continued assistance. See Initial Decision at 2-3; see also Exhibit R-1 at 2-8, and N.J.A.C. 10:90-6.4(b), (d). The Initial Decision is modified to reflect these findings.



By way of comment, Petitioner is advised that should he be denied an extreme hardship extension of EA benefits, he may request another fair hearing on that issue, alone.

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

Officially approved final version. October 10, 2024

Natasha Johnson
Assistant Commissioner

