



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 12718-24 R.M.

AGENCY DKT. NO. **S593042009** (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the denial of an extension of EA benefits. The Agency denied Petitioner an extension of EA benefits, contending that he had exhausted his lifetime limit of said benefits, plus all applicable extreme hardship extensions, and denied Petitioner an extension of EA benefits pursuant to N.J.S.A. 44:10-51(a)(3), also known as Emergency Assistance for Specific Groups ("EASG"), contending that he did not meet the eligibility criteria for said extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2024, the Honorable Kimberley A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, ordering the Agency to decide Petitioner's application for an extension of EA under N.J.A.C. 10:90-6.4(b).

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 MODIFY 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(a), (b). Specifically, a Work First New Jersey/ General Assistance ("WFNJ/GA") recipient may receive a total of one six-month extension of EA benefits when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits a WFNJ/GA recipient may receive is 18 months.

State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EA for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 19-02-01.

The Provisional Housing - Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, promulgated December 18, 2017 (extending EA benefits for certain categories of individuals), was a three-year pilot program which expired on December 18, 2020. See N.J.A.C. 10:90-6.9(a), (e).



Here, based on an independent review of the record, I make the following findings. First, I hereby take official notice that the records of this office substantiate the Agency's adverse action notice that Petitioner has, in fact, received 18 months of EA benefits as of March 1, 2024, and as such, he has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions allowable as a WFNJ/GA benefits recipient. See Initial Decision at 2; see also Exhibit R-1 at 8, N.J.A.C. 10:90-6.4(a), (b), (c), N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Regardless of whether Petitioner had met the criteria for an extreme hardship extension, pursuant to regulatory authority, and contrary to the ALJ's finding, I find that Petitioner is not eligible for any additional extreme hardship extensions. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.4(c). The record reflects that Petitioner applied for an EASG extension of EA benefits. See Exhibit R-1 at 11. The record also reflects, and the Agency correctly determined, that Petitioner does meet the EASG criteria for such extension, and accordingly, the Agency properly denied Petitioner an EASG extension of EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 1-6, 12, and N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. However, the ALJ incorrectly stated that the Agency had used the PHASE eligibility criteria in reaching its determination, specifically, one of the criteria where Petitioner must exhaust hardship time limits, which the ALJ found that the Agency had not addressed. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.4(b), -6.9(a). I find that the PHASE pilot program expired on December 18, 2020, that the EASG program has since superseded PHASE, and moreover, I find that the Agency correctly used the eligibility criteria set forth in EASG. See N.J.A.C. 10:90-6.9; see also N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. Specifically, in order for Petitioner to be eligible for an EASG extension he must have a permanent disability, be the sole caretaker of a disabled person, be 60 years of age or older, be chronically unemployable, or be an SSI benefits recipient. See N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. Here, Petitioner testified, and his EASG application reflects, that he does not fit into any of those EASG eligibility criteria. See Initial Decision at 2; see also Exhibit R-1 at 11. Based on the foregoing, I conclude that the Agency's denial of an EASG extension of EA benefits to Petitioner was proper and must stand. See Exhibit R-1 at 1-6, 12; see also N.J.A.C. 10:90-6.4(c), and N.J.S.A. 44:10-51(a)(3). The Initial Decision is modified to reflect these findings.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. September 19, 2024

Natasha Johnson
Assistant Commissioner

