



State of New Jersey

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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 **16619-24 S.T.**

AGENCY DKT. NO. **C310553007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her lifetime limit of EA benefits, and did not qualify for an extension of said benefits pursuant the Emergency Assistance of Specific Groups program, and that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 9, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open until December 10, 2024, to allow for the submission of additional documents, and then closed on that day. On December 11, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b).

N.J.S.A. 44:10-51(a)(4) ("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." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24 cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits.

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 Emergency Assistance 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.



Here, the ALJ found, and I agree, that the Agency should have, but failed, to take into account the 7-year disregard prior to its denial of EA benefits to Petitioner on the basis that she had exhausted her lifetime limit of EA benefits. See Initial Decision at 2, 4; see also Exhibits R-1; and N.J.A.C. 10:90-6.4(a). And, based on the EA payment history provided in the record, I find that Petitioner is eligible for an additional 12 months of EA in accordance with N.J.S.A. 44:10-51(a)(4). See Exhibit R-4. Further, the ALJ found, and I also agree, that based on the foregoing, Petitioner was not required to apply for EASG, and as such, not required to provide the Agency with a MED-1 form, indicating a 12-month disability, nor submit a WFNJ 135 A form to document that she is "chronically unemployable. See Initial Decision at 2, 4; see also Exhibit R-2. Moreover, as Petitioner has been determined disabled, as demonstrated by her receipt of SSI benefits, I find that as an SSI recipient, she would not have been required to provide said forms for EASG eligibility. See Initial Decision at 2; see also Exhibit R-3, and N.J.S.A. 44:10-51(a)(3). Further, the ALJ found, and I again agree, that it was through no fault of Petitioner that she had to vacate her Section 8 housing, that she had diligently tried to find alternative housing and employment, but had been unable to do so. See Initial Decision at 3-4. Additionally, the ALJ found that Petitioner does not have the available funds, nor did she have the opportunity to fully plan to avoid her imminent homelessness. See Initial Decision at 2-4; see also Exhibit P-1. Based on the testimony and record provided, the ALJ concluded that Petitioner is eligible for EA benefits, finding that she was not required to apply for EASG, that she lacked the capacity to plan, that her emergent situation was due to circumstances beyond her control, and that she had not caused her own homelessness. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(1). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

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

Officially approved final version. December 20, 2024

Natasha Johnson
Assistant Commissioner

