



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **10538-24 Z.O.**

AGENCY DKT. NO. **C170646003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that she had exhausted her cumulative lifetime limit of EA benefits, and that she did not qualify for an extreme hardship extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An initial telephonic hearing was scheduled for August 8, 2024, but was adjourned due to the unforeseen closing of the Agency's office building. On August 13, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 14, 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). A WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions may be granted for additional reasons beyond those listed in the regulation).

First, I hereby take official notice that the records of this office reflect that Petitioner is currently receiving WFNJ/TANF benefits, and as such, she is eligible for EA benefits in relation to the present matter. See Initial Decision at 2; see also Exhibit R-1 at 12-13, 15-16, and N.J.A.C. 1:1-15.2(a), N.J.R.E. 201(b)(4), N.J.A.C. 10:90-6.2(a).

The record reflects that Petitioner has received 16 months of EA benefits, that she currently resides in a shelter where she may be facing eviction due to the Agency's earlier termination of EA benefit payments to the shelter, that at the time of the hearing she was expected to give birth to her second child in approximately ten days, and that she has a valid eight-week post-partum recovery MED-1 form. See Initial Decision at 2-4; see also Exhibit R-1 at 5, 14. Based on Petitioner's particular circumstances, set out above, and the fact that the list set out in N.J.A.C. 10:90-6.4(b), is not an exhaustive one, I concur with the ALJ's conclusion that the Agency's denial of an extreme hardship extension of EA benefits to



Petitioner was improper and must be reversed. See Initial Decision at 3-4, 6-7; see also Exhibit R-1 at 17-18, and N.J.A.C. 10:90-6.4(b)(1). Accordingly, I find that Petitioner is currently eligible for EA benefits, and may be eligible for up to a total of an additional eight months of EA benefits, provided she continues to remain eligible for same in accordance with N.J.A.C. 10:90-6.1 et seq.

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

Officially approved final version. August 27, 2024

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Natasha Johnson  
Assistant Commissioner

