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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 **10192-25 B.J.**

AGENCY DKT. NO. **C221223020 (UNION COUNTY DIVISION 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 lifetime limit of EA benefits, and did not qualify for any further extension of EA benefits at the present time. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2025, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On August 18, 2025, the record was reopened in order to receive documents from Petitioner and then closed. On September 5, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on October 1, 2025.

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 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 an "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(b); 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.

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. (emphasis added). See DFD Instruction ("DFDI") No. 25-02-01.

An independent review of the record shows that Petitioner, a WFNJ/TANF benefits recipient, first began to receive EA benefits in June, 2023. See Initial Decision at 2; see also Exhibit R-1. Thereafter, Petitioner applied for her first six-month hardship extension in June, 2024, and another hardship application in December, 2024, both of which were granted. Ibid. On February 6, 2025, Petitioner filed for an additional hardship extension, however, her application was



denied as she had exhausted her 12-month lifetime limit of EA benefits, as well as the two six-month hardship extensions available to her, and currently does not qualify for any further extension of any kind. See Initial Decision at 2; see also Exhibit R-1 at 7, and N.J.A.C. 10:90-6.4(a), (b), (c).

While Petitioner did submit a MED-1 form to the Agency on May 30, 2025, it should be noted that the MED-1 form is for less than a 12-month period, as it ends on December 31, 2025, and therefore was not sufficient for consideration of a further EA extension under the EASG pilot program at the time of the EA termination in this matter. See Exhibit P-1; see also DFDI No. 25-02-01. Nonetheless, the ALJ in this matter concluded that the Agency's termination of Petitioner's EA benefits, and its denial of EASG benefits to Petitioner, was improper as Petitioner had a MED-1 form. See Initial Decision at 3. As referenced above, based upon the EASG eligibility criteria, this conclusion by the ALJ is erroneous, as Petitioner has, in fact, exhausted her lifetime limit of EA benefits, as well as two hardship extension, and Petitioner does not have a 12-month MED-1 form, which is necessary for consideration of an extension of EA benefits under the EASG pilot program. See N.J.A.C. 10:90-6.4(a), (b), (c), N.J.S.A. 44:10-51(a)(3) and DFDI No. 25-02-01. However, it is unclear from the record presented in this case if the ALJ in this matter was advised of the criteria necessary for an extension under EASG, as there is no copy of either the legislation, or the applicable DFDI in the record, nor any citation to same in the Initial Decision. Had the ALJ been advised of the necessary EASG criteria, a different result may have been reached, namely, that based on the facts presented, there is no regulatory authority upon which EA benefits may presently be extended to Petitioner. The Initial Decision is modified to reflect the above findings.

Accordingly, I affirm the Agency's termination of Petitioner's EA benefits, due to her having exhausted her lifetime limit of said benefits, including all available hardship extensions and she does not qualify for any further extension of EA benefits at the present time. See N.J.A.C. 10:90-6.4(a), (b), (c).

By way of comment, should Petitioner's circumstances change, and she is able to present a 12-month MED-1 to the Agency, she is without prejudice to reapply for EA benefits.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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. October 22, 2025

Natasha Johnson
Assistant Commissioner

