



## 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 **00371-25 C.V.**

AGENCY DKT. NO. **C189736009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2025, and continuing on January 10, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 13, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 16, 2025.

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 **REJECT** 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), (d); 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.

I hereby take official notice of the records of this office, and find that Petitioner is currently receiving Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), that such benefits have not been terminated, and that Petitioner has received 12 months of EA benefits, plus two six-month extreme hardship extensions, for a total of 24 months of EA benefits. See Initial Decision at 2; see also N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Accordingly, I find that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions. See N.J.A.C. 10:90-6.4(a), (b), (d). Also, in relevant part, the record also reflects that Petitioner is not a Supplemental Security Income ("SSI") benefits recipient, has not been determined to be chronically unemployable, and has failed to provide the Agency with a MED-1 form indicating a 12-month disability, any of which are required in this case to meet the criteria for an extension of EA benefits under the Emergency Assistance for Special Groups ("EASG") pilot program. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.S.A. 44:10-51(a)(3), and DFD Instruction No. 24-03-01. Nevertheless, based on Petitioner's particular circumstances, and a misinterpretation of the regulatory authority set forth at N.J.A.C. 10:90-6.4(a), (b), (d), the ALJ found Petitioner eligible for an additional three-months of EA benefits, and reversed the



Agency's denial of EA benefits to Petitioner. See Initial Decision at 2-5. I respectfully disagree. Rather, based on the discussion above, while I am sympathetic to Petitioner's situation, I find that the Agency has no regulatory authority, at this time, by which it can provide Petitioner with any additional EA benefits, at this time, and as such, I conclude that the Agency's denial of EA benefits to Petitioner was proper and must stand. See N.J.A.C. 10:90-6.4(a), (b), (d), and N.J.S.A. 44-10-51(a)(3). Further, as discussed above, Petitioner's WFNJ/TANF benefits have not been denied or terminated, and such denial was not a transmitted matter. Therefore, I find that the ALJ's order regarding a denial of WFNJ/TANF benefits is moot. See Initial Decision at 5.

By way of 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.

By way of further comment, Petitioner is advised, that should she become an SSI benefits recipient, she may reapply for EA benefits. See N.J.S.A. 44-10-51(a)(3).

Also, by way of comment, the Agency is reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

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

Officially approved final version. January 28, 2025

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Natasha Johnson  
Assistant Commissioner

