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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 **13074-25 J.B.**

AGENCY DKT. NO. **C461422004 (CAMDEN-CCBSS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of an extreme hardship extension of EA benefits. The Agency terminated Petitioner's EA benefits contending that he had exhausted his 12-month life-time limit of said benefits, and subsequently, denied Petitioner an extension of EA benefits, contending that he did not meet the criteria for any available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 23, 2025, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 24, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on September 25, 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 MODIFY the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for Work First New Jersey ("WFNJ") cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of an eligible WFNJ/GA assistance unit is most often either a single individual over 18 years of age or over, or a couple without dependent children. The assistance unit, whether one person or a couple, is treated as a single economic unit. *Ibid.* (emphasis added); see also N.J.A.C. 10:90-15.1 (stating the definition of "assistance unit"). This interpretation is consistent throughout the WFNJ regulations. For example, N.J.A.C. 10:90-2.3(a)(1) states, "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ/ Temporary Assistance of Needy Families ("WFNJ/TANF")] or WFNJ/GA assistance." As such, if one adult in the assistance unit/household is time limited on benefits, so is the entire household. Similarly, in the regulations pertaining to the granting of EA benefits, the term "individual or family" is used interchangeably with "assistance unit" and carries the same significance. See e.g. N.J.A.C. 10:90-6.1(a)(2),(3),(4),(5); - 6.3(a)(1). Any interpretation to the contrary would treat WFNJ/GA and WFNJ/TANF recipients/families disparately.

Under the 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/GA recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1), (2). See also N.J.A.C. 10:90-6.4(c). Pursuant to N.J.A.C. 10:90-6.4(b)(2), one type of extreme hardship is when the recipient is in applicant



status for Supplemental Security Income ("SSI"), or has been denied but has appealed the denial. This needs to be supported by a valid 12-month MED-1 form. Ibid.

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 SSI benefits recipients. See DFDI Instruction ("DFDI") No. 25-02-01. Additionally, eligible recipients are those who have exhausted their lifetime limit of EA benefits and all applicable hardship extensions. Ibid. (emphasis added). Unlike hardship extensions under N.J.A.C. 10:90-6.4, "if one member of the assistance unit falls into one of the [eligible groups, such as WFNJ recipients who are permanently disabled as supported by a 12-month MED-1 form] then the entire assistance unit is eligible for EASG." Id. at 2.

With this regulatory background in mind, an independent review of the record shows that Petitioner and his fiancé, K.W., are a WFNJ/GA assistance unit of two persons, who were provided EA benefits in the form a motel placement, beginning in July, 2024. See Initial Decision at 2; see also Exhibit R-4. On July 11, 2025, the Agency notified Petitioner and K.W. that their EA benefits would terminate with the last benefit to be issued August 11, 2025, because Petitioner and K.W. had exhausted their 12-month. See Initial Decision at 2; see also Exhibit R-1 at 2-10. Thereafter, Petitioner and K.W. filed for an EA hardship extension, which was denied by the Agency, stating that the assistance unit was ineligible, but with no further specificity. See Initial Decision at 2; see also Exhibit R-1 at 13-17. The record further reveals that Petitioner currently has a valid 12-month MED-1 form, but K.W. does not currently have a valid MED-1 of any duration. See Initial Decision at 3. At the time of the hearing, the Agency representative testified that there is a dual eligibility policy which required both WFNJ/GA individuals in an assistance unit to be eligible for a hardship extension in order to receive such extension. Ibid. While no such policy was presented at the hearing to the ALJ, as noted above, the treatment of the assistance unit as a single economic unit is consistent throughout the WFNJ regulations.

Further, at the time of the hearing, it was unclear whether or not Petitioner and/or K.W. had applied for SSI benefits. See Initial Decision at 4-5; see also Exhibits R-6, P-2. The ALJ found the testimony of Petitioner and K.W. credible that they filed for SSI benefits, and that Petitioner's filing is in pending status and K.W.'s filing is pending appeal. See Initial Decision at 5. Additionally, the Agency representative testified that the database searches available to the Agency may not be accurate due to the system not being routinely updated. Ibid. As also noted above, N.J.A.C. 10:90-6.4(b)(2) indicates that individuals who are in applicant status for SSI, or who have been denied but have appealed the denial, can receive a six-month extension of EA benefits, however this status must be supported by medical documentation of permanent disability, a 12-month MED-1 form. See also N.J.A.C. 10:90-3.22(a)(2). Thus, Petitioner may be eligible for a hardship extension of benefits due to his 12-month MED-1 form, however, K.W. would not be eligible for such extension, but because Petitioner and K.W. comprise the WFNJ/GA assistance unit, they both are ineligible for a hardship extension. See N.J.A.C. 10:90-6.4(b)(2).

Nonetheless, as also referenced above, as well as by the ALJ in this matter, the WFNJ/GA assistance unit dual eligibility is not a requirement for an extension of EA benefits under the EASG pilot program. See Initial Decision at 6-7; see also DFDI 25-02-01. Further, the policy portion of the referenced DFDI does not require that hardship extensions must, in fact, first be exhausted, but rather, only if the hardship extensions are applicable to the particular assistance unit. DFDI 25-02-01 at 2. In this particular instance, there are no applicable hardship extensions due to the fact that one member of the WFNJ/GA assistance unit is ineligible, so both members are ineligible. Ibid. Therefore, I find that it appears that Petitioner is eligible for an extension of EA under the EASG pilot program, and as such, the entire assistance unit would be eligible. Ibid.

Based on the foregoing, I am remanding this matter for action as follows. Petitioners shall submit an application for an EASG extension, and the Agency shall evaluate for eligibility, based upon the EASG criteria and the discussion above. Additionally, Petitioner and K.W. shall, within ten days of issuance of this Final Agency Decision, provide the Agency with complete and legible documentation to evidence any application with, and/or appeal, regarding SSI benefits. See N.J.A.C. 10:90-2.2(a)(3). The Initial Decision and the Agency's adverse action notice are both modified to reflect the findings contained in this decision.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

By way of further comment, Petitioner and K.W. are reminded that, as an overall regulatory requirement for receipt of WFNJ cash benefits, recipients must apply for all other assistance that he/she may be eligible for, which includes applying for SSI benefits. See N.J.A.C. 10:90-2.2(a)(3).



Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is MODIFIED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version. October 22, 2025

Natasha Johnson

Assistant Commissioner

