



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **02423-25 J.K.**

AGENCY DKT. NO. **S613189012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of eligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA penalty, contending that he had violated the terms of his EA service plan ("SP") by failing to follow motel/shelter rules. Further, the Agency contended that Petitioner has exhausted his lifetime limit of EA benefits, plus an available extreme hardship extension and did not qualify for any further extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for April 17, 2025, but Petitioner failed to appear. Petitioner phoned the Office of Administrative Law ("OAL") on April 17, 2025, reported that he had experienced telephone problems and requested a rescheduling of the hearing. The matter was rescheduled for April 24, 2025, at which time Petitioner requested an additional adjournment, which was denied. On April 24, 2025, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 7, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

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/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.



Here, the ALJ found, and the record substantiates, that Petitioner had received twenty-five months of EA benefits since December 2021, including a six-month extreme hardship extension, as well as several months of continued assistance pending the outcome of his hearing, and currently does not qualify for any further extension of any kind. See Initial Decision at 2-3; see also Exhibits R-1, R-2, R-11, and N.J.A.C. 10:90-6.4(a). As to Petitioner exceeding his lifetime limit for EA benefits, the ALJ found that Petitioner had received 25 months of EA benefits, and as such, had exhausted his 12-month lifetime limit of EA benefits, plus the available extreme hardship extension. See Initial Decision at 4-5; see also Exhibit R-11. Further, at the time of the hearing, Petitioner presented no documentation that he may be eligible for any additional extension of EA benefits. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits to Petitioner was proper and must stand. Ibid. I agree.

In addition, on December 18, 2024, Petitioner signed an EA service plan ("SP"), wherein he agreed, among other things, that no other person(s) was permitted to stay in his motel room and that he would not permit any destruction to his motel room. See Initial Decision at 3; see also Exhibits R-2, and N.J.A.C. 10:90-6.6(a)(1). The ALJ found that Petitioner had violated the terms of his SP, as documented within two police reports, as to an individual staying in his motel room, as well as to Petitioner destroying property within the room. See Initial Decision at 5-7; see also Exhibit R-6. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving, by a preponderance of the evidence, that Petitioner was not in compliance with his EA SP, and therefore, the termination of his EA benefits was appropriate. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.6(a). I also agree. Further, the ALJ found the Agency's imposition of a six-month period of EA ineligibility was also proper and must be stand. See Initial Decision at 8-9; see also N.J.A.C. 10:90—6.1(c)(3), -6.3(c), -6.6(a). Again, I agree.

By way of comment, because Petitioner has received continued benefits pending the outcome of this fair hearing, Petitioner is advised that his six-month EA ineligibility penalty shall begin as of the date of issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. May 29, 2025

Natasha Johnson
Assistant Commissioner

