



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 13220-24 K.A.

AGENCY DKT. NO. C149240020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of an extension of EA benefits pursuant to the Emergency Assistance for Specific Groups ("EASG") program, contending that she had exhausted her lifetime limit of EA benefits, and did not qualify for an EASG extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 17, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On April 17, 2025, 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, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, 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 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 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 documented by a WFNJ-5S Form, to be a full-time caregiver. See DFD Instruction ("DFDI") No. 25-02-01.

Here, Petitioner, a WFNJ/TANF benefits recipient, had received twenty-four months of EA benefits, and as such, 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 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (c). Petitioner was informed by the Agency that, in order to receive any further EA benefits, she would need to be evaluated for EASG, and provided Petitioner with a WFNJ-5S form. See Initial Decision at 3; see



also Exhibit R-1. Petitioner submitted the WFNJ-5S form, which was reviewed by the Agency, and a determination was made that the physician completing the form indicated that Petitioner could work "intermittently." See Initial Decision at 3; see also Exhibit R-1. The ALJ found that, due to Petitioner having an 18-year-old son with special needs who needs her assistance even when attending his part-time schooling, that she should qualify for the full-time caregiver exemption, as she is unable to secure employment, and that Petitioner should be provided benefits pursuant to the EASG. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and its denial of EASG benefits to Petitioner, was improper. Id. at 4-5.

Respectfully, I disagree. While I am understanding of Petitioner's circumstances, the record reflects that the Agency had informed Petitioner of the possible termination of said benefits, and provided her with the appropriate explanation as to eligibility for EASG. Therefore, I specifically find, and the record also reflects, that Petitioner does not meet the criteria for an EASG extension of EA benefits, as she had not provided the Agency with a valid WFNJ-5S form, required in this case, for EASG eligibility. See N.J.S.A. 44:10-51(a)(3). Based on the facts, and record in this case, I find that there is no regulatory authority upon which EA benefits may be awarded to Petitioner by the Agency. See N.J.A.C. 10:90-6.4(a),(b), (c) and N.J.S.A. 44:10-51(a)(3). Accordingly, I affirm the Agency's termination of Petitioner's EA benefits, due to her having reached her lifetime limit of said benefits, including all available hardship extensions.

By way of comment, should Petitioner obtain a current, complete WFNJ-5S form, indicating a change in circumstances which may impact her eligibility, she is without prejudice to apply for EA benefits under EASG.

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 REJECTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. May 30, 2025

Natasha Johnson
Assistant Commissioner

