



State of New Jersey

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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 17591-24 N.B.

AGENCY DKT. NO. C274578009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his lifetime limit of EA benefits, and had failed to provide the required documents needed to determine his eligibility for any applicable extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 20, 2024, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy"). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5 respectively. The goal of WFNJ is help the recipient achieve self-sufficiency through obtaining employment and removal from the program. See N.J.S.A. 44:10-62(a).

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." N.J.A.C. 10:90-6.4; 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, WFNJ recipients who must provide full-time care for a disabled child or other disabled dependent, as



documented by a MED-5 Form, and adult Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 19-02-01.

Based on an independent review of the record, it appears that the ALJ in this case is confusing the appropriate regulatory lifetime limits for WFNJ benefits, versus the regulatory lifetime limits for EA benefits. The issue presented in this case is Petitioner's continued eligibility for EA benefits, and the Agency's termination of EA benefits. I take official notice that the records of this office indicate that Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits have not been terminated, and he is currently receiving said benefits. See Exhibit R-1 at 2; see also N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Additionally, there is no adverse action notice in the record stating that his WFNJ/TANF benefits were terminated, and a termination of WFNJ/TANF benefits was not a transmitted issue. See Exhibit R-1 at 18. Therefore, the ALJ's discussion on a termination of Petitioner's WFNJ/TANF benefits, and its relevance to the termination of Petitioner's EA benefits, is not addressed in this Final Agency Decision. The Initial Decision is modified to reflect these findings.

Further, also based on an independent review of the record, I make the following findings. The record reflects that Petitioner has received at least 60 months of EA benefits, and as such, has more than exhausted his 12-month lifetime limit of EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2-13, and N.J.A.C. 10:90-6.4(a), (b), (d). The record also reflects that, based on the individual eligibility requirements for the EASG program, Petitioner does not qualify for any further extension of EA benefits pursuant to said program because he does not have a MED-1 form indicating a 12-month disability; he is not an SSI benefits recipient; he does not have a MED-5 form indicating that he is the sole, full-time caretaker for a disabled child or other disabled dependent; he is not chronically unemployable; and he is not 60 years of age or older. See Initial Decision at 2; see also N.J.S.A. 44:10-51(a)(3). Of note, the record indicates that Petitioner's MED-5 form was not extended, as Petitioner is able to work while his children attend school. See Exhibit R-1 at 1. Based on the foregoing, I conclude that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-1 at 17-20. The Initial Decision is further modified to reflect these findings.

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.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version. January 08, 2025

Natasha Johnson
Assistant Commissioner

