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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 **06947-25 N.H.**

AGENCY DKT. NO. **C340036007 (ESSEX COUNTY DIVISION OF WELFARE)**

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, and did not qualify for an extension of said benefits and that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 29, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 30, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Under the Work First New Jersey ("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).

N.J.S.A. 44:10-51(a)(4) ("7-year disregard"), provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24 cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits.

Here, Petitioner applied for EA benefits on April 16, 2025, and on that same date, her application was denied. See Initial Decision at 2. At the time of her application, Petitioner was facing eviction from her apartment due to non-payment of rent during February, March, and April 2025. Ibid. Although Petitioner did not inform the Agency during her April 16, 2025, telephone interview, at the pre-hearing conference on April 25, 2025, she submitted proof of a job interview on that date, provided housing applications, and provided a MED-1 form from February 7, 2025, which had previously been denied by the Agency. See Initial Decision at 2-3. On the date of the hearing, for the first time, Petitioner provided documents showing an offer of employment. See Initial Decision at 3. The ALJ concluded that Petitioner was ineligible for an EA hardship extension as she had reached her lifetime limit of EA benefits, as well as that she had failed to comply with



her service plan requirements by not submitting proof of affordable housing and employment searches. Ibid.; see also N.J.A.C. 10:90-6.4(b). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3.

Based upon an independent review of the record, the Agency in this matter failed to consider, and proffer to the ALJ, the applicability of the 7-year disregard when analyzing the lifetime EA benefits provided to Petitioner. See N.J.S.A. 44:10-51(a)(4); see also DFDI No. 19-07-01. A review of the EA benefits payment history reflects that Petitioner previously received EA benefits in 2012, clearly more than seven years ago, and that there was a significant gap in time prior to her receipt of any additional EA benefits in September 2024. See Exhibit R-4. The Agency clearly should have, but failed, to take into account the 7-year disregard prior to its denial of EA benefits to Petitioner on the basis that she had exhausted her lifetime limit of EA benefits. See Initial Decision at 2-3; see also Exhibit R-4; and N.J.A.C. 10:90-6.4(a) and N.J.S.A. 44:10-51(a)(4). And, based on the EA payment history provided in the record, I find that Petitioner is eligible for additional months of EA in accordance with N.J.S.A. 44:10-51(a)(4), and that the Agency's determination that Petitioner had exhausted her lifetime limit of EA benefits was improper and must be reversed. See Exhibits R-2, R-4. As such, I am remanding this matter to the Agency for action as follows. The Agency shall apply the 7-year disregard, and taking into consideration the information now known regarding Petitioner's employment and housing searches, as raised at the time of the hearing, shall reevaluate Petitioner's eligibility for EA benefits, on an expedited basis. Should that reevaluation result in another denial of EA benefits, Petitioner is without prejudice to request another fair hearing on that subsequent denial. The Initial Decision is modified to reflect these findings and directives.

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

Officially approved final version. May 08, 2025

Natasha Johnson
Assistant Commissioner

