



State of New Jersey

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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 **11606-25 N.M.**

AGENCY DKT. NO. **S665562012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance benefits ("EA"), and the denial of a hardship extension of EA benefits. The Agency terminated Petitioners' EA benefits, contending that she had exhausted her 12-month lifetime limit of EA benefits, and denied her an extreme hardship extension of those benefits, contending that she was not eligible for a hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 12, 2025, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On September 22, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the lifetime limit of EA benefits being received and reversing the Agency's determination as to the denial of Petitioner's hardship extension of EA benefits.

Exceptions to the Initial Decision were received from the Agency on September 23, 2025.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and hereby MODIFY the Initial Decision and AFFIRM in part the Agency's determination, as to the lifetime limit of EA benefits having been received, REVERSE in part the Agency's determination as to the denial of the EA hardship extension, and REMAND the matter for further consideration by 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). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the Petitioner applied for EA benefits on August 29, 2024, on behalf of herself and her four minor children. See Initial Decision at 2. Within the household, only one minor child qualified for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and EA benefits, however, the Agency provided EA benefits to the entire household and as of September 2025, the household had received fourteen consecutive months of EA benefits. Ibid; see also Exhibit R-7. The Agency properly noticed Petitioner regarding the termination of her EA benefits on June 10, 2025, with an effective termination date of August 1, 2025. See Initial Decision at 2; see also Exhibit R-4. The notice informed Petitioner that additional EA benefits may be available if Petitioner met certain hardship extension eligibility criteria and demonstrated the need for continued EA benefits. Ibid. Petitioner submitted the EA hardship extension application form on June 17, 2025. See Initial Decision at 3; see also Exhibit R-3. On July 10, 2025, the Agency denied the hardship extension request and determined that Petitioner did not meet any of the qualifications for a hardship extension. See



Initial Decision at 3; see also Exhibit R-5. In support of her hardship extension application, Petitioner stated that she is attempting to obtain paperwork so that she may seek employment. See Initial Decision at 3.

Based on the foregoing, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits, as the household has now received more than 12 months of consecutive EA benefits. See Initial Decision at 5. As to the hardship extension application, however, the ALJ found that Petitioner demonstrated an extreme hardship as contemplated by the eligibility criteria for an EA hardship extension set forth in regulation at N.J.A.C. 10:90-6.4(b). Ibid. Specifically, the ALJ found that an extension should be contemplated under N.J.A.C. 10:90-6.4(b)(1)(ii) and 10:90-6.4(d), as the termination of EA benefits to the household will leave the family homeless and in danger of being separated with children being placed in foster care. Ibid. Further, the ALJ found that Agency's position that there is no current danger of separation existing due to the Division of Child Protection and Permanency ("DCP&P") being involved to be unconvincing. Ibid.

It is clear that Petitioner has exhausted her 12-month lifetime limit of EA benefits, based on the record presented, and therefore, I agree with the ALJs final conclusion with respect to the lifetime limit of EA benefits being reached by the household. What is less clear, based upon the testimonial and documentary evidence presented, is whether Petitioner understood the hardship application, particularly in light of the document being in English, when other documentation had been provided in Spanish, and an interpreter was provided at the time of the hearing. Further, a review of the hardship application does not indicate any box being checked, solely that Petitioner wrote in her reasoning on the lines provided, nor that the application was signed. See Exhibit R-3. Considering same, I find that this matter warrants a remand to the Agency for further review. As such, I am remanding the matter to the Agency to assist Petitioner with the submission of an EA hardship application, including provision of same in the appropriate language, and for further consideration of the ALJ's findings at the time of the hearing, including whether DCP&P is now involved with the family. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

November 19, 2025

Natasha Johnson

Assistant Commissioner

