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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 **01594-25 R.Q.**

AGENCY DKT. NO. **C497076007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits, as well as a subsequent hardship extension application for EA benefits. The Agency denied Petitioner's application for EA benefits, contending that he had exhausted his lifetime limit of EA benefits, and did not qualify for any extension of EA benefits. The Agency further denied Petitioner's application for EA benefits, contending that, at that time, he was not a Work First New Jersey ("WFNJ") benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2025, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On March 21, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on April 7, 2025.

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 for action, based on the discussion below.

"Eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual." See N.J.A.C. 10:90-2.3(a). "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ] assistance." See N.J.A.C. 10:90-2.3(a)(1). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption from, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5, respectively. In relevant part, a recipient is exempt from the 60-month cumulative lifetime WFNJ limit if they are "sixty years of age or older". See N.J.A.C. 10:90-2.4(a)(1).

Only WFNJ cash benefits recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Under the 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), (b), (c).

Here, Petitioner applied for EA on July 3, 2024, after receiving a Warrant of Removal on July 2, 2024, and, on July 11, 2024, the Agency denied his application due to Petitioner exhausting his lifetime limit of EA benefits. See Initial Decision at 2; see also Exhibits R-1, R-2, P-2, P-3. Petitioner had been due for a redetermination review of his WFNJ/General Assistance ("WFNJ/GA") benefits on June 30, 2024, and, at the time he applied for EA on July 3, 2024, and his application was reviewed, he was not a recipient of WFNJ/GA. See Initial Decision at 2; see also Exhibit R-5, R-6.



Based upon the Agency notes in the record, Petitioner went into the Agency on July 3, 2024, and completed his WFNJ/GA redetermination. See Exhibit R-3. It appears that Petitioner was then once again determined eligible for WFNJ/GA benefits on August 20, 2024, at which time the Agency pro-rated his benefits retroactive to July 3, 2024. Ibid. The ALJ found that, at the time of the July, 2024 EA application, Petitioner was not a WFNJ or SSI benefits recipient, and that the Agency's denial of Petitioner's application at that time was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). Although Petitioner was subsequently retroactively determined eligible for WFNJ/GA benefits and said benefits were pro-rated back to July 3, 2024, I agree with the ALJ that, on the date of his EA application, the redetermination for his WFNJ/GA benefits eligibility had not yet occurred.

On September 25, 2024, Petitioner applied for an EA hardship extension, which the Agency denied on that date due to Petitioner having exhausted his lifetime limit of EA benefits. See Initial Decision at 2; see also Exhibits R-1, R-2. At the time he applied, Petitioner was sixty-one years of age. See Initial Decision at 3. At the time of his hardship application, Petitioner had received 79 months of WFNJ/GA benefits. See Initial Decision at 4. Pursuant to N.J.A.C. 10:90-2.4, a WFNJ/GA recipient is exempted from the 60-month lifetime limit for WFNJ benefits if the recipient is sixty years of age or older. Further, an independent review of the records of this office indicates that, at the time of the hardship application, Petitioner was in receipt of WFNJ/GA benefits, unlike the scenario which occurred during July, 2024. Specifically, an independent review of the record, as well as taking official notice of the records of this office, reflect that Petitioner received WFNJ/GA benefits during June, 2024, pro-rated benefits from July 3, 2024, and then full WFNJ/GA benefits each month paid at the employable rate, including September 2024, when the hardship application for EA benefits was made to the Agency. The ALJ concluded that the Agency had established, by a preponderance of the evidence, that Petitioner had exhausted his lifetime limit for EA benefits, and his EA benefits were properly terminated. See Initial Decision at 4. Based upon the age of the Petitioner at the time of the EA hardship application, as well as the fact that he was a recipient of WFNJ/GA benefits, I find that the Agency should have considered whether Petitioner was eligible based upon the EASG program. See 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. See DFD Instruction ("DFDI") No. 25-02-01. As the Agency itself noted in its hearing summary, Petitioner should have been offered an EASG application, as he was over the age of 60, making the lifetime limit of EA benefits received a moot issue. See Exhibit R-1. Therefore, I am remanding this matter to the Agency for action as follows. I direct the Agency to provide Petitioner with an EASG application, which Petitioner shall complete and the Agency is to then expedite their review of same to determine if Petitioner is eligible for such benefits. If eligible, the Petitioner is provided updated information to the Agency with respect to the amount of arrears owed. The Initial Decision is hereby modified to reflect the above findings and directives.

By way of comment, on March 31, 2025, Petitioner had a court date with his landlord in Special Civil Court in an attempt to reach a Settlement Agreement for his rental arrears. See Initial Decision at 3; see also Exhibit P-4. An independent review of the record does not clearly indicate the amount of back rent owed by Petitioner. Nonetheless, although the amount of rent due may be more than three months, I note that making Petitioner whole by satisfying the total amount of back due rent will serve Petitioner more effectively than by placing him in a shelter and displacing him from the residence in which he has lived for several decades.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. May 14, 2025

Natasha Johnson
Assistant Commissioner

