



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **15182-24 Z.O.**

AGENCY DKT. NO. **C170646003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her 12-month lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 20, 2024, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 10, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 13, 2025.

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 MODIFY the Agency's determination, 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 ("WFNJ/TANF") benefits 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). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions may be granted for additional reasons beyond those listed in the regulation).

EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The transmittal in this matter shows that Petitioner is appealing the September 20, 2024, adverse action notice, advising Petitioner that the last payment of EA benefits would be on December 20, 2024, after which her EA benefits case would close. See also Exceptions. I take official notice that the records of this office show that Petitioner had a prior emergent fair hearing, and resultant Final Agency Decision issued on August 27, 2024, under OAL Docket no. HPW 10538-24, reversing the Agency's denial of a hardship extension of EA benefits, due to Petitioner's particular circumstances, and finding that, at that time, she may be eligible for an additional 8 months of EA benefits. See N.J.A.C. 1:1-15.2(a), N.J.R.E. 201(b)(4), N.J.A.C. 10:90-6.4(b)(1). I further take official notice that Petitioner had a 12-week medical deferral in place beginning August 29, 2024, when she gave birth to a child.



Based on the three months advance notice, with the notice dated September 20, 2024, and Petitioner's EA benefits terminating December 20, 2024, I find that there is not an issue of timely notice in this instance. See N.J.A.C. 10:90-9.1. Furthermore, I find that the December 20, 2024, termination date contained in this notice is the controlling termination date at issue in this case, and the record substantiates that Petitioner did, indeed, exhaust her 12-month lifetime limit of EA benefits. See Exhibit R-A at 4.

The record reflects that Petitioner was residing in an Agency EA placement shelter, in November 2024, when the Agency received a request to relocate Petitioner, due to health concerns with respect to Petitioner's child at the EA placement shelter. See Exhibit R-B at 23. However, the record further reflects that Petitioner did not appear at the relocation placement, and as such, the placement was terminated. Ibid.; see also Exhibit R-D.

Based upon this independent review of the record, I find that it is undisputed that Petitioner exhausted her 12-month lifetime limit of EA benefits. See Exhibit R-A at 4; see also N.J.A.C. 10:90-6.4(a). Additionally, the record further reflects that Petitioner utilized up to eight months of EA placement granted under an extreme hardship extension. See Exhibit R-A at 4; see also N.J.A.C. 10:90-6.4(b), (d). Nonetheless, due to health concerns related to Petitioner's child, Petitioner was relocated to an alternate EA placement on November 26, 2024, but Petitioner, of her own volition, did not appear at that placement, thereby abandoning said EA placement. See Exhibit R-B at 23; see also Initial Decision at 9. As a result, I find that Petitioner caused her own homelessness, and a six-month EA ineligibility penalty is warranted in this case. See N.J.A.C. 10:90-6.1(c)(3). The Initial Decision and the Agency's determination are modified to reflect these findings.

Finally, I note that a number of facts and documents were presented to the ALJ in this matter which date back to the time at which Petitioner first received EA benefits in April 2023, up to November, 2024. The facts relating back to 2023 are too remote in time, and not relevant to the issue presented in this matter of whether or not Petitioner had exhausted her lifetime limit of EA benefits, particularly in light of the fact that Petitioner did not dispute the amount of EA benefits which she has received. See Initial Decision at 5.

By way of comment, Petitioner is advised that the six-month EA ineligibility penalty shall run from the date Petitioner abandoned her EA placement, November 26, 2024, through May 26, 2025.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version.

March 14, 2025

Natasha Johnson

Assistant Commissioner

