



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

TRENTON, NJ 08625-0716

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 **00730-26 B.J.**

AGENCY DKT. NO. **C157992003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of eligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA penalty, contending that he had violated the terms of his EA service plan ("SP") by failing to submit housing searches. Further, the Agency contended that Petitioner has exhausted his lifetime limit of EA benefits, and did not qualify for any further extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 6, 2026, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 20, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

EA benefits are limited to 12 months, plus limited extensions for an "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(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the ALJ found, and the record substantiates, that Petitioner had received in excess of twelve months of EA benefits, and failed to submit a six-month extreme hardship extension application, thus, he currently does not qualify for any



further extension of any kind. See Initial Decision at 2-4; see also Exhibits R-A, R-B, R-C, R-D, R-G, R-M, and N.J.A.C. 10:90-6.4(a). As to Petitioner exceeding his lifetime limit for EA benefits, the ALJ found that Petitioner had exhausted his 12-month lifetime limit of EA benefits, and provided no testimonial or evidentiary evidence that he would be eligible for a six-month extreme hardship extension. See Initial Decision at 4. Further, at the time of the hearing, and thereafter, Petitioner presented no documentation that he may be eligible for any additional extension of EA benefits. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits to Petitioner was proper and must stand. Ibid. I agree.

In addition, on August 27, 2025, Petitioner signed an EA service plan ("SP"), wherein he agreed, among other things, to submit ten housing contacts per month, with the understanding that his failure to do so may lead to the termination of his EA benefits. See Initial Decision at 4; see also Exhibit R-B, and N.J.A.C. 10:90-6.6(a)(1). The ALJ found that Petitioner had violated the terms of his SP, as documented by the Agency. See Initial Decision at 4; see also Exhibit R-D. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving, by a preponderance of the evidence, that Petitioner was not in compliance with his EA SP, and therefore, the termination of his EA benefits was appropriate. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). I also agree.

Additionally, as the ALJ found that Petitioner had exhausted his lifetime limit of EA benefits, the Initial Decision made no conclusion as to the Agency's imposition of a six-month period of EA ineligibility due to Petitioner's failure to comply with his EA SP. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Therefore, as I agree with the ALJ's conclusion, that Petitioner failed to comply with his EA SP, and as such, the EA termination was proper, in accordance with regulatory authority set forth at N.J.A.C. 10:90-6.6(a), and as Petitioner received notice that the disqualification may be made due to non-compliance with his SP, I hereby also affirm the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner. See Exhibit R-D, and N.J.A.C. 10:90-6.6(a). The Initial Decision is modified to reflect these findings.

By way of comment, as Petitioner has received continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin upon issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. July 16, 2026

Natasha Johnson
Assistant Commissioner

