



State of New Jersey

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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 **00322-26 C.B.**

AGENCY DKT. NO. **C415949016 (PASSAIC COUNTY BOARD 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 lifetime limit of EA benefits, plus all available extensions, and did not qualify for any further extension of EA benefits at the present time. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On July 28, 2026, 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 considered the ALJ's Initial Decision, and following an independent review of the record, hereby MODIFY the Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

EA benefits are limited to 12 months, plus limited extensions for "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." See N.J.A.C. 10:90-6.4(a), (b), (d); N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. Ibid. Thus, the maximum amount of EA benefits a WFNJ/TANF recipient may receive is 24 months.

Here, the ALJ found, and the record substantiates, that Petitioner, a WFNJ/TANF recipient, has previously received her lifetime limit of EA benefits, as well as the two six-month hardship extensions available to her, and currently does not qualify for any further extension of any kind. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (c). Of note, the record also reflects that, at the time of the EA benefits termination in this matter, Petitioner also did not meet the criteria for an extension of EA benefits under the Emergency Assistance for Special Groups ("EASG") program. See Initial Decision at 3; see also the State of New Jersey Senate Bill, No. S3960, P.L. 2023, c. 198, effective December 21, 2018 ("S3960"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EASG (extending EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve-month MED-1 Form, and Supplemental Security Income benefits recipients), and DFD Instruction ("DFDI") No. 25-02-01. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1. I agree.



Additionally, the ALJ in this matter further opines that, should the Agency pursue repayment of the continued assistance benefits paid pending the outcome of the fair hearing, it would create a “significant hardship to Petitioner” such that “to the extent it is legally feasible that course should not be pursued in this particular case.” See Initial Decision at 4. While the correctness of a recoupment is not a transmitted issue in this case, I note, however, that in accordance with regulation, the Agency has the authority to pursue any overissuance of EA benefits paid to which the recipient was not entitled, including those benefits paid pending a fair hearing, in which the Petitioner is unsuccessful. See N.J.A.C. 10:90-3.21(a) (1) (stating that the Agency shall seek recovery of all overpayments (including EA benefits) regardless of fault, including overpayments resulting from assistance paid pending hearing decisions) (emphasis added). Moreover, in this particular matter, the delay in the issuance of the Initial Decision further impacted the amount of assistance paid pending the hearing decision, for which the Agency may seek repayment. The Initial Decision is modified to reflect these findings.

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

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

Officially approved final version. August 18, 2026

Natasha Johnson
Assistant Commissioner

