



State of New Jersey

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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 **10064-26 C.C.**

AGENCY DKT. NO. **C272816016 (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 hardship 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 June 25, 2026, the Honorable Marianne B. Ortega, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On June 26, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on July 1, 2026.

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 ADOPT 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." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") 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 may be provided. Ibid. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

Here, the ALJ found, and the record substantiates, that Petitioner has received her lifetime limit of EA benefits, as well as two six-month hardship extensions, and currently does not qualify for any further extension of any kind, including under Emergency Assistance for Special Groups ("EASG"). See Initial Decision at 2-5; see also Exhibit R-1; N.J.A.C. 10:90-6.4(a), (b), (c), and 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), and extended pursuant to State of New Jersey Assembly Bill, No. 5549, and Division of Family Development Instruction ("DFDI") No. 25-02-01. Petitioner had applied for an extension of EA benefits pursuant to EASG, which is available to certain categories of eligible individuals, including, but not limited to, WFNJ recipients who must provide full-time care for a disabled child or disabled dependent, as documented by a WFNJ 5S-DEP ("MED-5") form. See Initial Decision at 2-5; see also Exhibit R-1 and DFDI No. 25-02-01. The Agency denied the EASG application indicating that the supporting documentation did not provide sufficient proof that the Petitioner



was unavailable to engage in work or work-related activities while her child is attending school. See Initial Decision at 2-5; see also Exhibit R-1. Petitioner's minor child is school aged and attends school daily. Ibid. The Agency found both MED-5 forms, the most recent from May 29, 2026, deficient in that there was no documentation provided that Petitioner's presence, in person, was regularly required during school hours due to her child's medical condition, thus indicating that Petitioner is not a full-time caregiver for her child. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand, and that Petitioner is ineligible for any further extension of EA benefits. Ibid. I agree.

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

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 ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. July 02, 2026

Natasha Johnson
Assistant Commissioner

