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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 **20577-25 D.P.**

AGENCY DKT. NO. **C398852016 (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, 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. This matter was initially scheduled to be heard on February 23, 2026; however, the hearing was adjourned due to a weather-related office closure. The hearing was rescheduled for May 7, 2026, at which time Petitioner requested an adjournment, which was granted. On May 12, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On May 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 June 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 MODIFY the 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 ("TANF") 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). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

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 extended pursuant to State of New Jersey Assembly Bill, No. 5549, extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, which certifies a disability for a period of 12 months, and Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 25-02-01.

Here, the record reveals that Petitioner, a WFNJ/TANF recipient, has received her 12-month lifetime limit of EA benefits, as well as two six-month hardship extensions, and two additional months of EA prior to the termination of her EA benefits. See Initial Decision at 2. On October 30, 2025, the Agency terminated Petitioner's EA benefits, effective November 30, 2025, due to the lifetime exhaustion of benefits. See Initial Decision at 3. I note here that, on the face of Exhibit J-2,



which is dated October 30, 2025, dates appear in three distinct locations, two of which state that the termination date is November 1, 2025, however, in a third location that date is crossed out and November 30, 2025, is written in. See Exhibit J-2. As such, the ALJ correctly noted the effective date of the termination to be November 30, 2025. See Exhibit J-2; see also DFDI No. 25-02-01 at 3 (requiring at least 30 days advance notice of EA benefits termination). As of the date of the termination notice, Petitioner had received 26 months of EA, and she has now received additional months of EA benefits pending her appeal, bringing the total months of EA to 34 months. See Initial Decision at 3. For clarity, by the date of the termination notice Petitioner had received in excess of thirty additional days of EA benefits beyond the twenty-four months allowed, and in fact she had received two additional months.

On October 30, 2025, Petitioner applied for an additional hardship extension. See Initial Decision at 3. At that time, the Agency did not issue a separate denial of the hardship application, however, EA hardship extensions for a WFNJ/TANF recipient are limited to two 6-month hardship extensions, which Petitioner had already received. See N.J.A.C. 10:90-6.4(b), (d).

At the hearing, Petitioner argued that the Agency failed to consider her third EA hardship application, of October 30, 2025, that the Agency failed to cite to a specific regulation in support of its termination notice, and that the Agency failed to provide her with an Emergency Assistance for Special Groups ("EASG") application at the time of her EA termination. See Initial Decision at 4.

The ALJ found that while the Agency made "procedural missteps" in failing to issue a denial notice for the October 30, 2025 hardship application, by failing to cite to a specific regulation in support of the termination notice, and by failing to provide Petitioner with an EASG application, the ALJ found that none of the procedural errors made by the Agency "guarantee an extension of EA." See Initial Decision at 4. Additionally, the ALJ found that Petitioner was aware, based on plain language contained in the hardship application she completed, that she could apply for EASG if she had exhausted her hardship extensions. Ibid. As the record in this matter substantiates that Petitioner has received her 12-month 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, 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. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.4(a), (b), (c).

Based upon an independent review of the record, I agree with the ALJ's findings in this matter. The record clearly shows that Petitioner had exhausted her lifetime limit of EA benefits, plus all available EA hardship extensions available to her, and therefore she is ineligible for further EA benefits at the present time. Additionally, I note that the "procedural missteps" in this matter did not prejudice Petitioner as she had already received several months of additional EA benefits prior to termination in this matter, and moreover, has received continued assistance pending the outcome of this fair hearing. However, both the Initial Decision and the Agency's adverse action notice are hereby modified to reflect that while the EA termination may contain conflicting dates, the effective termination of the EA benefits is November 30, 2025.

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

By way of further 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 MODIFIED, as outlined above.

Officially approved final version. July 21, 2026

Natasha Johnson
Assistant Commissioner

