



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 **04876-26 E.T.**

AGENCY DKT. NO. **C112569011 (MERCER 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 June 2, 2026, and continuing on June 11, 2026, the Honorable Diane Hoagland, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On June 24, 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") 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.

N.J.S.A. 44:10-51(a)(4) ("7-year disregard"), provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24 cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits.

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 Exhibits R-1, R-2, R-3, 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") pilot 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 Exhibits R-1, R-2. I agree.

Further, based upon an independent review of the record, the EA benefits payment history reflects that Petitioner previously received EA benefits in 2014, clearly more than seven years ago, and that there was a significant gap in time prior to her receipt of any additional EA benefits in April, 2020. See Exhibit R-1. Accordingly, the Agency properly applied the 7-year disregard when analyzing the lifetime EA benefits provided to Petitioner, having already provided her with an additional 12 months of EA benefits for a total of 36 months of EA benefits. *Ibid.*; see also N.J.S.A. 44:10-51(a)(4); and DFDI No. 19-07-01. The Initial Decision is modified to reflect these findings.

Additionally, the ALJ makes reference to documentary evidence presented by Petitioner at the time of the hearing from October 22, 2021, within which the Agency informed Petitioner that she was required to repay an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA") benefits totaling \$2,611, as the Agency had discovered that Petitioner had received unemployment benefits at the same time as receiving WFNJ/GA. See Initial Decision at 2; see also Exhibit P-1. Within the Initial Decision, the ALJ states, "E.T. is not required to repay over issuance [sic] of EA benefits." The overissuance of benefits was not a transmitted issue in this matter and such assertion is not supported by regulatory nor legal authority and as such the Initial Decision is further modified to reflect that such statement does not impact the ability of the Agency to pursue any overissuance of EA benefits. See N.J.A.C. 10:90-3.21(a).

By way of additional 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 13, 2026

Natasha Johnson
Assistant Commissioner

