



State of New Jersey

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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 **13153-26 F.F.**

AGENCY DKT. NO. **S951206009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, following a termination of Petitioner's EA benefits. The Agency terminated Petitioner's EA benefits because he was no longer a Work First New Jersey ("WFNJ") cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. The Agency denied Petitioner further EA benefits, contending that he had exhausted his lifetime limit of EA benefits, and did not qualify for a 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 August 13, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On August 14, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on August 18, 2026.

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, I hereby MODIFY the Initial Decision and AFFIRM the Agency's determinations, based on the discussion below.

Financial eligibility for WFNJ/GA benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources, unless exempt. See N.J.A.C. 10:90-3.1(a), -3.9(a), (b), -3.10(a), -3.19 and -3.20. Unearned income includes unemployment compensation, and unemployment insurance benefits, and is not exempt. See N.J.A.C. 10:90-3.9(b), (e).

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA benefits is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA assistance unit ("AU"), with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8(b) for earned income, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). For an employable assistance unit of one, the maximum allowable benefit level is \$185. Ibid.; see also DFD Informational Transmittal ("DFD IT") No. 19-21.

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.



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.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, on July 1, 2026, the Agency terminated Petitioner's EA benefits, as he had exhausted his lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-1. On August 3, 2026, Petitioner submitted an application for an extension of EA benefits under EASG, which the Agency approved in error, rescinded, and denied, all within the same day. Ibid.; see also Exhibits P-1, R-2, R-4. Thereafter, on August 11, 2026, the Agency issued a notice terminating Petitioner's WFNJ/GA benefits, effective August 31, 2026, due to his receipt of unemployment insurance benefits ("UIB"). See Initial Decision at 2; see also Exhibit R-3, N.J.A.C. 10:90-3.5(b) and DFD IT No. 19-21. An additional notice was also issued on August 11, 2026, denying Petitioner EA benefits, on the basis that Petitioner was no longer being a WFNJ, nor was he an SSI, benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-4.

The ALJ in this matter found, and the record substantiates, that Petitioner has received his 12-month lifetime limit of EA benefits, and currently does not qualify for any further extension of EA benefits of any kind, including under EASG. See Initial Decision at 2-4; see also Exhibits R-1, R-2, R-4, 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 DFDI No. 25-02-01. Based on the foregoing, the ALJ concluded that the Agency's denial of a further extension of EA benefits under EASG, was proper and must stand, and that Petitioner is ineligible for any further extension of EA benefits at the present time. Ibid. I agree.

Additionally, based on an independent review of the record presented, Petitioner testified at the time of the hearing that he receives \$435 per week through the "Additional Benefits during Training" ("ABT") program. See Initial Decision at 3. The "ABT" program is administered by the New Jersey Department of Labor and is made available to certain recipients to complete approved training programs that extend beyond the regular unemployment benefit period. I take official notice that the records of the Agency, as well as of this office, reflect that Petitioner was receiving weekly UIB payments of \$454 since June, 2026. Based upon this information, specifically his receipt of unearned income in the form of unemployment compensation, which is not exempt and therefore must be counted, the Agency determined that Petitioner's WFNJ/GA benefits must be terminated, as the monthly amount of UIB exceeds the maximum allowable WFNJ/GA benefit level of \$185. See N.J.A.C. 10:90-3.5(b), -3.9(b), (e), and DFD IT No. 19-21. The Initial Decision concluded that Petitioner receives too much income to remain eligible for WFNJ/GA benefits. See Initial Decision at 4. I also agree, but modify to reflect the above findings with respect to the WFNJ/GA benefits termination.

Finally, the ALJ in this matter concluded that, as Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency had also properly terminated Petitioner's EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a). Again, I agree.

By way of comment, I have reviewed Petitioner's Exceptions, 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 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. August 20, 2026

Natasha Johnson
Assistant Commissioner

