



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 **13154-26 K.F.**

AGENCY DKT. NO. **C809833007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, contending that she had exhausted her 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 19, 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.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid.

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.

Here, the ALJ found, and the record substantiates, that Petitioner has received her 12-month lifetime limit of EA benefits, as well as a hardship extension, and currently does not qualify for any further extension of EA benefits of any kind, including under EASG. See Initial Decision at 2-3; 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 Division of Family Development Instruction ("DFDI") No. 25-02-01. The record reflects that Petitioner has not submitted a one-year MED-1 form. See Initial Decision at 2-3. Based on the foregoing, the ALJ concluded that the Agency's denial of a further extension of EA benefits, was proper and must stand, and that Petitioner is ineligible for any further extension of EA benefits at the present time. Ibid. I agree.

Further, based on the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that Petitioner is not currently homeless nor facing any eviction, thus there is no sufficient emergency under N.J.A.C. 10:90-6.1(c) which would warrant the granting of EA benefits. See Initial Decision at 3. Accordingly, the ALJ found that Petitioner did not demonstrate an emergency beyond her control that caused her to face imminent eviction or homelessness, thus making her ineligible for EA benefits, and as such, the Agency's denial of EA benefits was proper. Ibid. I further agree.

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.

By way of further comment, Petitioner is without prejudice to reapply for an extension of EA benefits, but as stated above, Petitioner must meet the eligibility criteria for same.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. August 20, 2026

Natasha Johnson
Assistant Commissioner

