



State of New Jersey

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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 **12983-26 L.G.**

AGENCY DKT. NO. **C457417007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, in the form of storage costs. The Agency denied Petitioner EA benefits, contending that she did not submit documentation necessary to determine eligibility for benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 12, 2026, the Honorable Barbara Singer, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was then held open to allow for the submission of additional documentation, and closed on August 14, 2026. On August 17, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination, and directing the Agency to hold open Petitioner's EA application, for possible submission of additional information, and to make a determination by a date certain.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

Here, the record indicates that Petitioner applied for EA benefits, in the form of storage costs, on May 21, 2026, for two storage units, each of which were months in arrears at that time, with her application indicating the last payment made was February, 2026 for one unit and April, 2026 for the second unit. See Initial Decision at 3; see also Exhibits R-3, R-5, P-1. On that same date, the Agency requested copies of the storage unit balances, which were provided by Petitioner on May 22, 2026. See Initial Decision at 3; see also Exhibit R-6. In reviewing the application for EA benefits, the Agency determined that Petitioner had received earned income from an employer during the first quarter of 2026, including an indication that she had returned to work on May 1, 2026. Ibid.; see also Exhibit R-3. On June 1, 2026, the Agency mailed a verification form to Petitioner's employer requesting verification of Petitioner's employment. See Initial Decision at 3; see also Exhibit R-6. The employer verification was never returned to the Agency and on June 29, 2026, the Agency denied Petitioner's EA application. See Initial Decision at 3; see also Exhibit R-1.

Petitioner opened the storage units in this matter during 2024, and during 2025, the Agency paid for four (4) months of storage on the larger of the two storage units. See Initial Decision at 3. At times when Petitioner was employed, she utilized her income, and support from family, to pay for the storage units. Ibid. At some point during 2026, Petitioner was unemployed and therefore her payments fell into arrears. Ibid. As of the date of the hearing, Petitioner was employed. Ibid.



The Initial Decision indicates that Petitioner did not receive Work First New Jersey/General Assistance (“WFNJ/GA”) benefits during the first quarter of 2026, when her earnings history indicates that she had first quarter earnings of \$8,323.20. See Initial Decision at 3. Petitioner applied for, and began to receive, WFNJ/GA benefits during April, 2026, and has received such benefits in May, 2026, June, 2026, July, 2026, and August, 2026. The Initial Decision indicates that Petitioner returned to work during “late June.” See Initial Decision at 3. At the time of the hearing, Petitioner produced two paystubs, one for the pay period ending June 27, 2026, for \$711.62 gross income and the other for the pay period ending July 25, 2026, for \$845.50 gross income. See Initial Decision at 3; see also Exhibit P-2.

The ALJ in this matter found that Petitioner was not afforded the opportunity to verify her employment when the verification documentation was sent only to her employer and not to her for completion. See Initial Decision at 4. What remains unclear from the Initial Decision, and the documentary record in this matter, is when exactly Petitioner became unemployed and when exactly Petitioner returned to work. The database information presented by the Agency indicates that Petitioner returned to work on May 1, 2026, while Petitioner provided testimony that she did not return to work until late June, 2026. There is no indication in the record that Petitioner reported to the Agency that she had returned to work, which would impact whether or not she is eligible for continued receipt of WFNJ/GA benefits, a prerequisite to receipt of EA benefits, after consideration and application of the appropriate income disregards. Pursuant to N.J.A.C. 10:90-3.8(b) (1), WFNJ benefits recipients, who become employed for an average of 20 hours a week, “shall report earned income no later than 10 days from the date the recipient receives his or her paycheck” in order to receive income disregards as outlined in the regulation. Further, pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/GA 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. See DFD Informational Transmittal 19-21.

Further, the paystubs provided by Petitioner indicate that Petitioner must have worked at other points during 2026, as the Year to Date (“YTD”) total income for the paystub ending pay period June 27, 2026, indicates \$5,638.05 YTD. See Exhibit P-2. For Petitioner to have returned to work in late June, this total amount of YTD income does not make sense based upon her hourly rate, overtime rate, and hours worked. Further, the paystub dated pay period ending July 25, 2026, one month later, indicates a YTD income of \$8,537.36. Ibid.

The ALJ concluded that the Agency should extend the time for Petitioner to provide employment verification documentation such that her eligibility for EA benefits, in the form of storage costs, may be evaluated. See Initial Decision at 4. I agree and further direct that if the employer in this matter refuses to provide verification of employment, Petitioner shall produce to the Agency all of her paystubs from January 1, 2026 to pay period ending June 27, 2026, such that the Agency may evaluate whether she is eligible for receipt of WFNJ/GA benefits in all months she may have worked, after application of appropriate income disregards, and by extension, EA benefits based upon the resources available to her. Petitioner shall produce such paystubs, or the required verification from her employer, if she has not already done so, within ten (10) days of the date of issuance of this Final Agency Decision and the Agency shall expedite the evaluation of same in determining if Petitioner is eligible for receipt of EA benefits. The Initial Decision, and Agency’s adverse action, are both modified based upon these findings.

Further, pursuant to the regulatory authority of N.J.A.C. 10:90-6.3(a)(4)(iv), six months of storage cost payments may be allowed, with additional months permitted only with DFD approval. Accordingly, as the Agency has previously provided Petitioner with EA benefits in the past, in the form of storage, the Agency may provide Petitioner with EA benefits, if she is found eligible, but must seek DFD approval for any additional amounts of EA benefits, in accordance with regulation, prior to their issuance, as appropriate.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s determination is MODIFIED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. August 20, 2026

Natasha Johnson
Assistant Commissioner

