



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 **07730-26 S.F.**

AGENCY DKT. NO. **C291163009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's EA benefits because the Assistance Unit ("AU") was no longer eligible for Work First New Jersey benefits, nor was it receiving Supplemental Security Income ("SSI") benefits. Further, the Agency terminated Petitioner's 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 July 23, 2026, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 24, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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

In accordance with N.J.A.C. 10:90-3.1(a), when determining WFNJ eligibility, all countable income (both earned and unearned) and resources of all persons in an assistance unit of which the applicant or recipient is a member, are considered. (emphasis added).

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's ("AU") total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of two, such as Petitioner's, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") 19-21.

In accordance with N.J.A.C. 10:90-3.9(b), (e), unearned income in form of Retirement, Survivors and Disability Insurance ("RSDI") benefits is countable towards WFNJ eligibility.

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") benefits 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.

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

Here, the ALJ found, and the record substantiates, that Petitioner's two minor children constitute the AU. See Initial Decision at 2. Previously, the Agency notified Petitioner that the WFNJ/TANF benefits would terminate, as both of the minor children began to receive RSDI benefits, in the amount of \$233 per month, per child, for a total of \$466 in month RSDI benefits. Ibid.; see also Exhibit R-1. Based upon the monthly receipt of RSDI benefits, the Agency determined that Petitioner's monthly income exceeded the maximum benefit level of \$425, for continued receipt of WFNJ/TANF benefits and as such, the AU was no longer eligible for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-1; see also N.J.A.C. 10:90-3.6(a), and DFD IT No. 19-21. Following such determination, on February 10, 2026, the AU's EA benefits were terminated, as only WFNJ or SSI recipients are eligible to receive EA benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ found that, because neither member of the AU was a WFNJ, nor an SSI, benefits recipient, the household was ineligible for EA benefits, and as such, concluded that the Agency's termination of Petitioner's EA benefits was also proper and must be affirmed. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). I agree.

Additionally, the transmittal in this matter reflects an additional contested issue pertaining to the Agency's termination of the AU's WFNJ/TANF benefits, which was not directly addressed by the ALJ. Based on the evidence presented in this matter, and as discussed above, it is clear that the AU's monthly income exceeded the maximum allowable benefits level, and therefore, I find that the Agency's termination of the AU's WFNJ/TANF benefits was also proper and must stand. See Exhibit R-1; see also N.J.A.C. 10:90-3.6(a), and DFD IT No. 19-21. The Initial Decision is modified to reflect this finding.

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.

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

Officially approved final version. August 18, 2026

Natasha Johnson
Assistant Commissioner

