



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 **12932-26 S.S.**

AGENCY DKT. NO. **C109827011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated EA benefits to Petitioner, contending that she had exhausted her lifetime limit of EA benefits, 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 ("OAL") for a hearing. On August 10, 2026, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On August 10, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Under the Work First New Jersey ("WFNJ") regulations, 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." N.J.A.C. 10:90-6.4; 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. 26-01-03. 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. (emphasis added)

Here, the ALJ found, and the record substantiates, that Petitioner has received in excess of twenty-four months of EA benefits, including hardship extensions, which exceeds her lifetime limit of EA benefits, and that she currently does not



qualify for any further extension of any kind. See Initial Decision at 2-3; see also Exhibit R-1, 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 termination in this matter, Petitioner did not meet the criteria for an extension of EA benefits under the Emergency Assistance for Special Groups ("EASG") program, as she had not submitted a completed MED-1 form indicating that she could not work for one-year, which is needed to establish permanent disability. Ibid.; see also 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, which 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, and Supplemental Security Income ("SSI") benefits recipients. See Division of Family Development Instruction ("DFDI") No. 25-02-01. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-1. I agree.

Further, based upon an independent review of the record, the EA benefits payment history reflects that Petitioner previously received EA benefits in 2006, 2007, and 2008, clearly more than seven years ago, totaling 12 months of EA benefits, as well as an additional 2 months of EA benefits in 2010, after which there was a significant gap in time prior to her receipt of any additional EA benefits in June, 2024. See Exhibit R-1. Accordingly, the Agency properly applied the 7-year disregard when analyzing the lifetime EA benefits provided to Petitioner in this matter and in calculating the total amount of EA benefits which Petitioner has received. Ibid.; see also N.J.A.C. 10:90-6.4(a), (b), N.J.S.A. 44:10-51(a)(4) and DFDI No. 19-07-01. The Initial Decision is modified to reflect these findings.

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 20, 2026

Natasha Johnson
Assistant Commissioner

