



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*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 **09552-22 L.M.**

AGENCY DKT. NO. **C042350001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of an extension of EA benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of said benefits, plus all applicable extreme hardship extensions, and denied Petitioner an extension of EA benefits pursuant to N.J.S.A. 44:10-51(a)(3), also known as Emergency Assistance for Specific Groups ("EASG"), contending that she did not meet the eligibility criteria for said extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 14, 2022, but was adjourned until January 6, 2023, because Petitioner alleged that she had not received the Agency's fair hearing packet. The January 6, 2023, hearing date was adjourned until January 11, 2023, due to time constraints. On January 11, 2023, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until January 23, 2023, to allow Petitioner the opportunity to provide the Agency with documents regarding her alleged Supplemental Security Income ("SSI") benefits denial/appeal. No such documents were provided to the Agency and the record then closed on January 26, 2023. On February 9, 2023, 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.

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). Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may receive one six-month extension of EA benefits when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits a WFNJ/GA 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. Stat. 44:10-51(a)(3), also known as EASG, 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 DFDI Instruction (“DFDI”) No. 19-02-01.

The Provisional Housing - Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility (“PHASE”) Pilot Program, promulgated December 18, 2017 (extending EA benefits for certain categories of individuals), was a three-year pilot program which expired on December 18, 2020. See N.J.A.C. 10:90-6.9(a), (e).

Here, based on an independent review of the record, I make the following findings. I concur with the ALJ’s finding, and the record substantiates, that from November 2019 through September 2022, Petitioner had received 34 months of EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 14-19. Accordingly, I find that Petitioner has exhausted her 12-month life-time limit of EA benefits, plus the one six-month extreme hardship extension of EA benefits allowable as a WFNJ/GA benefits recipient. See Exhibit R-1 at 2-5; see also N.J.A.C. 10:90-6.4(a), (b), (c). Regardless of whether Petitioner had met the criteria for an extreme hardship extension, pursuant to regulatory authority, and contrary to the ALJ’s finding, I find that Petitioner is not eligible for an additional six-month extreme hardship extension. See Initial Decision at 10-11; see also Exhibit R-1 at 10, and N.J.A.C. 10:90-6.4(c). The ALJ also found that Petitioner is ineligible for an EASG extension of EA benefits because she failed to provide the Agency with a 12-month MED-1 form, and failed to provide the Agency with proof that she had been denied SSI benefits and is in the process of appealing said denial. See Initial Decision at 3-7; see also Exhibits R-1 at 12, R-2, and N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. However, the ALJ had incorrectly used the PHASE eligibility criteria in reaching that conclusion, specifically, that Petitioner need only have an SSI application pending approval or appeal, in order to be eligible for an EASG extension. See Initial Decision at 8-9; see also N.J.A.C. 10:90-6.9(a). Rather, I find that the PHASE pilot program expired on December 18, 2020, and that it is not a part of the EASG program as opined by the ALJ, and therefore, Petitioner may not avail herself of this program as it no longer exists. See N.J.A.C. 10:90-6.9(e). Accordingly, I find that in order for Petitioner to be eligible for an EASG extension she may not just have an SSI application pending approval or appeal, she must be an SSI benefits recipient. See N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. Therefore, because the record indicates that Petitioner is not an SSI benefits recipient, and is not permanently disabled, as documented by a 12-month MED-1 form, I find that, on those bases, Petitioner is ineligible for an EASG extension of EA benefits. See Initial Decision at 9-11; see also Exhibit R-1 at 12, 28-30; see also N.J.S.A. 44:10-51(a)(3), and DFDI 19-02-01. Based on the foregoing, I concur with the ALJ’s ultimate conclusion that the Agency’s termination of Petitioner’s EA benefits, and denial of an EASG extension of said benefits, were proper and must stand. See Initial Decision at 11; see also Exhibit R-1 at 2-5. The Initial Decision is modified to reflect these findings.

By way of comment, 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 advised that should her circumstances change, she may reapply for an EASG extension of EA benefits.

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

Officially approved final version. March 30, 2023

---

Natasha Johnson  
Assistant Commissioner

