



## State of New Jersey

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TRENTON, NJ 08625-0716

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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 **07196-22 R.M.**

AGENCY DKT. NO. **C430125016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions, and that she did not qualify for any further extensions of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Two pre-hearing conferences were held on September 26, 2022, and October 20, 2022. Thereafter, a hearing was initially scheduled for October 31, 2022, but was converted to a pre-hearing conference. A hearing was then scheduled for November 17, 2022, but was adjourned due to illness of Petitioner's counsel. On December 12, 2022, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open through December 22, 2022, to allow for the submission of additional documentation, and then closed on that date.

On January 4, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has no legal status in the United States, and as such, she is an ineligible alien for purposes of Work First New Jersey ("WFNJ") and EA benefits eligibility. See Initial Decision at 3, 10; see also N.J.A.C. 10:90-2.7(a), -2.10, -6.1(a), and -6.2(a). However, as Petitioner has two children in her household receiving WFNJ/Temporary Assistance for Needy Families ("TANF") and one child receiving Supplemental Security Income ("SSI") benefits, her household was eligible for, and had received EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-2.7(a)(1)(v), -6.1(e), -6.2(a), and Division of Family Development Instruction ("DFDI") No. 08-5-4 at 13. The record further indicates that Petitioner had exhausted her 12-month lifetime limit of EA benefits, plus the two allowable six-month extreme hardship extensions, and as such, she had applied for an extension of EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"), which extends EA benefits eligibility for certain categories of individuals. See Initial Decision at 2-3; see also Exhibits R-2, R-3, R-4, and N.J.A.C. 10:90-6.4(a), (b). However, the Agency determined that Petitioner did not qualify for an extension of EA benefits under EASG, denied her application for such extension, and terminated her EA benefits due to exhaustion, effective August 31, 2022. See Initial Decision at 2-5; see also Exhibits R-1, R-2, R-3, R-4, and S866. Petitioner acknowledged that she had



exhausted her EA benefits and did not qualify for an EASG extension, however, she claimed that as WFNJ/TANF and SSI benefits recipients, her children are not subject to the EA benefits time limits, or in the alternative, that she is eligible for an EASG extension of EA benefits because there is an SSI child in the household. See Initial Decision at 2-4; see also Exhibits P-3, R-2, R-4, and N.J.A.C. 10:90-6.4(a), (b), and S866.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. Specifically, the ALJ found, and the parties agreed, that the two issues needed to be answered here were: 1) Does the EA time limit apply to Petitioner's household given that the only eligible WFNJ/TANF recipients are minors; and 2) Under the EASG program, for purposes of eligibility, can the SSI recipient be the child or does it have to be Petitioner? See Initial Decision at 3, 15; see also Exhibits P-3, R-4. Regarding the first question, the ALJ found that the EA benefits time limits apply to Petitioner, and as such, concluded that her household has exhausted their lifetime limit of EA benefits, plus all applicable extensions. See Initial Decision at 7-17; see also Exhibit P-3, and N.J.A.C. 10:90-2.5(c)(1), -6.4(a), (b), (d). Regarding the second question, the ALJ also found that, in accordance with EA benefits regulatory authority, the temporary nature of the EA benefits program and EASG pilot, and the Agency's interpretation of the relevant regulations, which were reasonable and neither arbitrary, nor capricious, Petitioner's household was ineligible for an extension of EA benefits, including an EASG extension of EA benefits. See Initial Decision at 13-20; see also Exhibit R-4, and S866. Further, the ALJ found that Petitioner failed to prove by a preponderance of the credible evidence that her household is eligible for an extension of EA benefits under the EASG program. See Initial Decision at 18-19. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits under the EASG program, and the consequent termination of her EA benefits due to exhaustion, were proper and must stand. See Initial Decision at 19-20; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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 ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. February 21, 2023

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Natasha Johnson  
Assistant Commissioner

