



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **07470-22 A.D.**

AGENCY DKT. NO. **C708413007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits in the form of Temporary Rental Assistance ("TRA") beginning in the month of August 2022. Upon redetermination, the Agency terminated Petitioner's WFNJ/GA benefits, contending that Petitioner failed to provide documentation required to determine her continued eligibility for said benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits, and had failed to apply for an extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 26, 2022, but was adjourned. On October 3, 2022, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until October 5, 2022, and then closed.

On October 19, 2022, the ALJ issued an Initial Decision, reversing the Agency's WFNJ/GA benefits termination, and affirming the Agency's EA/TRA benefits termination. Here, the ALJ found, and the record substantiates, that Petitioner had executed her WFNJ/GA redetermination application and provided the Agency with all the eligibility required documents by September 2022. See Initial Decision at 3, 5; see also Exhibit R-1 at 1-7, 14, and N.J.A.C. 10:90-3.22(a), (b), -15.1. The record also reflects that Petitioner had received WFNJ/GA benefits for the month of August 2022, at the unemployable rate, and had also received EA/TRA benefits. See Initial Decision at 3-4; see also Exhibits R-2, R-3 at 1-3, and N.J.A.C. 10:90-3.6(a). However, the record reflects that, although Petitioner stated that she had provided the Agency with a MED-1 form required to receive the unemployable WFNJ/GA benefits rate of \$277, in June or July 2022, the Agency disputed that claim, and the record does not substantiate Petitioner's claim. See Initial Decision at 6; see also Exhibit R-2, and N.J.A.C. 10:90-2.4(a)(3)(iii), -3.6(a). Due to Petitioner's appeal of the Agency's termination of her WFNJ/GA benefits, Petitioner was provided with continued assistance WFNJ/GA benefits at the employable rate of \$185 in September 2022. See Initial Decision at 4-5; see also Exhibit R-3, and N.J.A.C. 10:90-3.5(b). The record also reflects that Petitioner has exhausted her lifetime limit of EA benefits, plus all applicable extensions. See Initial Decision at 9; see also Exhibit R-3 at 1-3, and N.J.A.C. 10:90-6.4(a), (b). Accordingly, the Agency terminated Petitioner's EA/TRA benefits beginning September 2022, and Petitioner is required to apply



for an extension of EA benefits in order to receive said benefits going forward. See Initial Decision at 9; see also 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, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a 12-month Med-1 form. The ALJ found that Petitioner had failed to apply for an extension of EA benefits. See Initial Decision at 9.

Based on the testimony and record provided, the ALJ reversed the Agency’s termination of Petitioner’s WFNJ/GA benefits, concluding that Petitioner was eligible for continued WFNJ/GA benefits as of September 2022, and that if the Agency can verify that it had Petitioner’s current MED-1 form on file as of September 2022, or if Petitioner can provide said form to the Agency, then the Agency shall provide Petitioner with WFNJ/GA benefits at the unemployable rate of \$277 retroactive to September 2022. See Initial Decision at 9-10. I agree. Also, the ALJ affirmed the Agency’s termination of Petitioner’s EA benefits, concluding that Petitioner must apply for an extension of EA benefits in order to be approved for retroactive and prospective EA/TRA benefits, and that, if found eligible, and upon verification from Petitioner’s landlord regarding back rent owed, the Agency is to provide EA/TRA benefits in the form of back rent for those verified months, as well as prospective EA/TRA benefits. Ibid. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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.

Petitioner is advised to apply for an extension of EA benefits under the EASG pilot program. See S866. The Agency is directed to assist Petitioner with her EASG application and to review same on an expedited basis.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is REVERSED in part, and AFFIRMED in part, as discussed above.

Officially approved final version. November 30, 2022

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Natasha Johnson  
Assistant Commissioner

