



State of New Jersey

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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 **08339-22 J.D.**

AGENCY DKT. NO. **S638726012 (MIDDLESEX COUNTY BD. 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 has exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 10, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, had received 47 months of EA benefits, which included two six-month extreme hardship extensions, plus additional EA benefits provided during the Division of Family Development ("DFD") COVID-19 moratorium policy on EA benefits terminations due to exhaustion. See Initial Decision at 2; see also Exhibit R-1 at #7 through #10, and DFD Instruction ("DFDI") 21-02-03. Petitioner did not dispute that she had received 47 months of EA benefits. Accordingly, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits, plus all available extensions. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(a), (b), (d). Of note, the aforementioned temporary suspension on terminations of EA benefits due to exhaustion, applied during the pandemic, was rescinded on June 15, 2022, effective July 1, 2022. See Initial Decision at 2-3; see also R-1 at #17. The ALJ also found it factually undisputed that Petitioner did not qualify for any further extension of EA benefits under the Emergency Assistance for Specific Groups ("EASG") pilot program. See Initial Decision at 4; see also Exhibit R-1 at #12, #13, and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018, also known as EASG (extending EA benefits eligibility for specific categories of individuals). Although Petitioner alleged that she was a victim of domestic violence, and as such, may be eligible for an extension of EA benefits, the ALJ found that the domestic threat to Petitioner had ended in 2017, and that there was no current threat of domestic violence. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.4(f). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at #14. 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.

December 22, 2022

Natasha Johnson

Assistant Commissioner

