



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting 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 **02067-22 T.R.**

AGENCY DKT. NO. **C638722007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had 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 March 23, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 24, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 25, 2022.

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 REVERSE the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

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"), 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 DFD Instruction ("DFDI") No. 19-02-01.

The issue presented in this case is whether or not Petitioner is eligible for EA benefits. See Exhibit R-1. As stated above, EA benefits are time limited, with a WFNJ/TANF benefits recipient eligible for



a lifetime total of 12 months of EA benefits, and up to no more than two six-month extensions of EA benefits, for a total of 24 months of EA benefits. See N.J.A.C. 10:90-6.4(a), (b). EA benefits beyond that 24 month period are only available if the WFNJ/TANF benefits recipient qualifies for a current extension program, in this case, EASG, referenced above.

With these time limitations in mind, based upon an independent review of the record, it would appear that Petitioner has indeed exhausted her lifetime limit of EA benefits, plus the available two six-month extensions, based upon the represented amount of 31 months of EA benefits Petitioner has received. See Initial Decision at 2; see also Exhibit R-1 at 2. As such, the ALJ's reliance on the regulatory language contained in N.J.A.C. 10:90-6.4(b), pertaining to the "imminent danger of the immediate breakup of the family unit," is clearly misplaced, if Petitioner has already received the two six-month hardship extensions as evidenced by the total amount of EA benefits as indicated in the Initial Decision. See Initial Decision at 4-5. However, the exhibit returned to this office from the OAL, and marked as Exhibit R-3, which is the payment history in Petitioner's case and which is needed in order to clearly identify and substantiate the total amount of months of EA benefits that Petitioner has in fact received, only contains one page. Therefore, based on the evidence presented, as it is not possible to validate the total months of EA benefits that Petitioner has received in the past, I find that this case must be remanded to the Agency to fully review the payment history in Petitioner's case. The Agency shall also review the payment history with Petitioner. Following a review of the payment history, if it is, in fact, confirmed that Petitioner has already received 24 or more months of EA benefits, then the Agency's denial of EA benefits to Petitioner in this case will stand as issued. See Exhibit R-1; see also N.J.A.C. 10:90-6.4(a), (b). The Initial Decision is modified to reflect these findings.

By way of comment, I note that it also appears, based on the record presented, that Petitioner is not eligible for a further extension under EASG, as there is no proof of a 12-month MED-1 form, evidencing a permanent disability, either of Petitioner herself, or that one of her children is disabled and must be provided with full-time care. See S866; see also DFDI No. 19-02-01. Nor is there any evidence of SSI benefits eligibility, being over the age of 60, or being chronic unemployable. Ibid. However, Petitioner is without prejudice to apply for a further extension under EASG, but is advised that eligibility for same is limited to a specific set of criteria, as discussed above.

By way of further comment, if it is validated that Petitioner has already received 24 or more months of EA benefits, and Petitioner is not eligible for EASG, then 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 REVERSED and REMANDED to the Agency for further action, as outlined above.

Officially approved final version.

April 01, 2022

---

Natasha Johnson

Assistant Commissioner

