



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **13218-25 C.H.**

AGENCY DKT. NO. **S983378009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to complete the application process for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2025 the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 29, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on September 2, 2025.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reveals that Petitioner is a recipient of Work First New Jersey/General Assistance ("WFNJ/GA") and, on March 6, 2025, applied for EA benefits, in the form of retroactive rental payments and temporary rental assistance ("TRA") from the Agency. See Initial Decision at 2. At the time of her EA application, Petitioner's monthly rent was \$2,540 for her one-bedroom apartment, which exceeded the fair market rent ("FMR") for a one-bedroom apartment in Hudson County, which was \$2,029. Ibid. At the time of Petitioner's application, and relying upon regulatory authority, the Agency consulted with DFD, which authorized the payment of five months of retroactive rent (December 2024 through April 2025), as well as the payment of one month of temporary rental assistance for May, 2025. Ibid.; see also Exhibit P-1 and N.J.A.C. 10:90-6.3(a)(5)(i), -6.7(a)(7)(i)(1). The determination to authorize payment was based upon documentation submitted by Petitioner regarding commencement of new employment on April 14, 2025, which evidenced a salary that would allow her to be able to afford her own rent beginning in June, 2025. Ibid. At the time of the hearing, the Agency representative testified that, if Petitioner had not submitted documentation of employment including a start date, she would not have been approved for retroactive rental payments, nor TRA for her current apartment, but rather, the Agency would have approved her for benefits to assist with relocation to an apartment which did not exceed the county FMR. See Initial Decision at 5. At some point, Petitioner did not commence employment and requested an EA extension from the Agency and was informed that she would need to complete an application for an EA extension for any further TRA beyond the May, 2025 payment. Ibid. Petitioner never completed an EA extension application. Ibid. Although Petitioner argued that she did not know the procedure to request an EA extension, the ALJ found such testimony unpersuasive, noting that Petitioner had previously applied for EA and, as early as June 12, 2025, was represented by counsel. Ibid.

Based on the foregoing, the ALJ found that Petitioner failed to apply for an EA extension by never completing an application, as required. See Initial Decision at 6. Without a proper application being made, with requisite supporting



documentation, the Agency was never provided an opportunity to assess Petitioner for benefits eligibility regarding an EA extension nor to formally approve or deny any such application. Ibid. Accordingly, the ALJ concluded that the Petitioner's request that a TRA extension be granted without any application for an EA extension was improper, and that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also N.J.A.C. 10:90-1.5(a). I agree.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Further, the Exceptions filed by Petitioner's counsel only references past domestic violence and it is not clear from the record if Petitioner is currently experiencing domestic violence, however, under the Family Violence Option Initiative ("FVO"), N.J.A.C. 10:90-20.1, et seq., an applicant/WFNJ recipient may request EA benefits due to domestic violence, as well as request the waiver of certain program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), -20.4 (outlining program requirements that may be waived). The FVO does not authorize the provision of EA benefits indefinitely based on an individual's history of domestic violence. See e.g. DFD Instruction ("DFDI") No. 12-12-05 (expressing FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.7, -20.9 and DFDI No. 12-12-05. Moreover, the FVO does not impact or negate the requirement to file an application for an extension of EA benefits, nor provide authority for the FMR to be exceeded without further approval.

By way of further comment, the Agency shall refer Petitioner for a domestic violence assessment in accordance with the FVO, if it has not already done so, and Petitioner must cooperate with same in order to determine any impact upon EA benefits.

Also by way of further comment, Petitioner is without prejudice to apply for an EA extension, if she has not already done so.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED, as outlined in the discussion above.

Officially approved final version. September 04, 2025

Natasha Johnson
Assistant Commissioner

