



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 12503-25 D.G.

AGENCY DKT. NO. S487228014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 24, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 3, 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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(b). A Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1), (2). See also N.J.A.C. 10:90-6.4(c). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD"). Thus, the maximum amount of EA benefits that a WFNJ/GA cash recipient may receive is 18 months.

Here, based upon an independent review of the record, the WFNJ/GA assistance unit in the matter consists of two persons, Petitioner and A.F., and the assistance unit receives the employable rate of \$254. See Exhibit R-1; see also DFD Informational Transmittal ("IT") No. 19-21. In December 2024, the assistance unit applied for and received EA benefits,



in the form of a motel placement, and in February, 2025, both Petitioner and A.F. executed EA SPs, wherein they both agreed, among other things, to submit proof of five weekly housing searches and to apply for public and subsidized housing programs monthly. See Exhibit R-1; see also N.J.A.C. 10:90-6.6(a). Thereafter, the assistance unit repeatedly failed to submit weekly housing searches, and as a result, the Agency issued an adverse action notice on June 19, 2025, terminating the assistance unit's EA benefits effective July 19, 2025, for failure to comply with the SPs, specifically by failing to submit housing searches to the Agency, and imposing a six-month ineligibility penalty for EA benefits. See Exhibit R-1.

At the time of the hearing, Petitioner contended that she should have been entitled to a hardship waiver, from both compliance with the terms of her SP, as well as from the lifetime limit of EA benefits, due a medically documented high-risk pregnancy which prevented her ability to comply with the EA program requirements. See Initial Decision at 2-3. The ALJ opined that the Agency did not offer Petitioner the opportunity to have a MED-1 form completed by her physician. See Initial Decision at 2. However, an independent review of the executed EA SPs in this matter indicate specific terms under the "Client's Responsibilities," which state that Petitioner, and A.F., must comply with seeking employment and/or participating in an education/training program and further states, "If client is deferred...then a MED-1 Form must be current and timely submitted." See Exhibit R-1. The record is devoid of any request from Petitioner for a MED-1 form, any medical documentation submitted by Petitioner to the Agency, or any record of communication with the Agency that she was unable to comply with the terms of the SP due to a medical condition. Ibid. Furthermore, there is no record of A.F. having complied with the terms of the EA SP in submitting the required weekly housing searches, or that he reached out to the Agency to convey any difficulties, or good cause reason(s), for non-compliance. Ibid. Finally, an independent review of the record also indicates that the medical documentation submitted by Petitioner from July, 2025 falls outside of the time frame in which the EA SP non-compliance occurred, namely mid-April to mid-July, 2025. See Exhibit P-1.

Nevertheless, based on Petitioner's particular circumstances, a misplaced assertion that Petitioner should have been considered for a MED-1 exception, and/or for exploration of whether an exception existed to the maximum lifetime limit of EA benefits, the ALJ reversed the Agency's termination of EA benefits. See Initial Decision at 3-4. I respectfully disagree. Rather, based on the discussion above, as well as the record presented, it is clear that both Petitioner, as well as A.F., failed to comply with a number of requirements contained in the executed EA SPs, with no good cause credibly shown, and as such, I find that the Agency's termination of Petitioner's EA benefits, as well as the six-month EA ineligibility penalty, was proper and must stand. See N.J.A.C. 10:90-6.6(a).

Additionally, during the hearing in this matter in August 2025, the Agency noted that the assistance unit had exhausted their 12-month lifetime limit of EA benefits. See Exhibit R-1. While not a transmitted issue, the record is clear that the assistance unit has, in fact, exhausted their 12-month lifetime limit of EA benefits, and has also received continued EA benefits pending the outcome of this hearing. Ibid. Moreover, while there is no indication in the record of any EA hardship application having been submitted by the assistance unit, I find that none of the enumerated criteria in N.J.A.C. 10:90-6.4(b)(1) have been met, and as such, there exists no regulatory authority, at this time, by which the assistance unit may receive any additional EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (d), and N.J.S.A. 44:10-51(a)(3).

By way of comment, as the assistance unit has received continued assistance pending the outcome of this fair hearing, the assistance unit is advised that the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer the assistance unit to any and all agencies and organizations that may be able to assist with their current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. December 16, 2025

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Natasha Johnson  
Assistant Commissioner

