



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
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 16515-25 C.T.

AGENCY DKT. NO. **S618318012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, contending that his partner, T.L., did not meet the criteria for such extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 9, 2026, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open, to allow for the submission of additional information, and closed on January 5, 2026. On January 12, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on January 21, 2026.

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, MODIFY 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 ("WFNJ/TANF") benefits 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). 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).

Here, the record reveals that Petitioner, his partner, T.L., and their two minor children, receive Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 2. Petitioner received EA benefits beginning June, 2024. Ibid.; see also Exhibit R-1. T.L. had been excused from participating in the WFNJ/TANF work activities from June 12, 2025 to August 23, 2025, due to having a child. Ibid. T.L. testified, at the time of the hearing, that she is suffering from post-partum related mental-health issues. See Initial Decision at 2. Petitioner had been excused from participating in WFNJ/TANF work activities, as a result of a MED-1 form. Ibid.

Following submission of an EA application on June 12, 2025, the Agency denied Petitioner's application, citing that he had received more than twelve months of EA benefits. See Initial Decision at 3; see also Exhibits R-4, R-10, R-15. Petitioner, and T.L., then completed an EA hardship extension application. See Initial Decision at 3. Based upon his MED-1, Petitioner was found eligible for a hardship extension, however, T.L. was found not to meet the criteria necessary



for a hardship extension of EA benefits. Ibid.; see also Exhibit R-11. Based upon the Agency's assertion that both adults in the household must be eligible for the EA hardship extension, the Agency denied the application. See Initial Decision at 3; see also Exhibit R-10.

Based upon Petitioner's particular circumstances, the ALJ reversed the Agency's determination, finding Petitioner eligible for a six-month extreme hardship extension of EA benefits, and ordering the Agency to provide Petitioner with six months of EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.4(b), (d). While I agree with the ALJ's determination that Petitioner is eligible for an extreme hardship extension of EA benefits, I find that the WFNJ regulations demand a more holistic analysis regarding the assistance unit as a whole. Specifically, the WFNJ regulations refer to an "assistance unit," whether one person or a couple, being treated as a single economic unit. See N.J.A.C. 10:90-15.1. As such, if one adult in the assistance unit is time limited on benefits, so is the entire household. Similarly, in the regulations pertaining to the granting of EA benefits, the term "individual or family" is used interchangeably with "assistance unit" and carries the same significance. See e.g., N.J.A.C. 10:90-6.1(a)(2), (3), (4), (5); - 6.3(a)(1). Any interpretation to the contrary would treat WFNJ/General Assistance and WFNJ/TANF recipients/families disparately.

State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as Emergency Assistance for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, 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 SSI benefits recipients. See DFDI Instruction ("DFDI") No. 25-02-01. Additionally, eligible recipients are those who have exhausted their lifetime limit of EA benefits and all applicable hardship extensions. Ibid. Unlike hardship extensions under N.J.A.C. 10:90-6.4, "if one member of the assistance unit falls into one of the [eligible groups, such as WFNJ recipients who are permanently disabled as supported by a 12-month MED-1 form] then the entire assistance unit is eligible for EASG." Id. at 2 (emphasis added).

The record reveals that Petitioner currently has a valid 12-month MED-1 form, but T.L. does not currently have a valid MED-1 of 12 months. At the time of the hearing, the Agency representative testified that there is a dual eligibility policy which required both WFNJ/TANF individuals in an assistance unit to be eligible for a hardship extension in order to receive such extension. Ibid. While no such policy was presented at the hearing to the ALJ, the treatment of the assistance unit as a single economic unit is consistent throughout the WFNJ regulations. Thus, Petitioner may be eligible for a hardship extension of benefits due to his 12-month MED-1 form, however, T.L. would not be eligible for such extension, but because Petitioner and T.L. comprise the WFNJ/TANF assistance unit, they both are ineligible for a hardship extension. See N.J.A.C. 10:90-6.4(b)(2).

Nonetheless, as also referenced above, the WFNJ/TANF assistance unit dual eligibility is not a requirement for an extension of EA benefits under the EASG program. See DFDI 25-02-01. Further, the policy portion of the referenced DFDI does not require that hardship extensions must, in fact, first be exhausted, but rather, only if the hardship extensions are applicable to the particular assistance unit. DFDI 25-02-01 at 2. In this particular instance, there are no applicable hardship extensions due to the fact that one member of the WFNJ/TANF assistance unit is ineligible, so both members are ineligible. Ibid. Based on Petitioner's one year deferral as a result of his MED-1 form, it appears that Petitioner is eligible for an extension of EA under the EASG pilot program, and as such, the entire assistance unit would be eligible. Ibid.; see also Exhibit R-13. Based on the foregoing, I am remanding this matter for action as follows. Petitioner shall submit an application for an EASG extension, and the Agency shall expedite the evaluation for same, based upon the EASG criteria and the discussion above. Should Petitioner be denied an EASG extension, he is without prejudice to request another fair hearing on that denial. The Initial Decision and the Agency's adverse action notice are both modified to reflect the above findings.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is MODIFIED, and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version. March 26, 2026

Natasha Johnson
Assistant Commissioner

