



State of New Jersey

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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 **10935-26 M.W.**

AGENCY DKT. NO. **C079578018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the Agency's denial of a hardship extension of EA benefits. The Agency terminated Petitioner's EA benefits and denied a hardship extension of said benefits, contending that he had exhausted his lifetime limit of EA benefits and that he did not qualify for a further extension of EA benefits at the present time. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2026, the Honorable Claudia L. Marchese, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On September 1, 2026, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits, and reversing the Agency's denial of a hardship extension to Petitioner.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM, in part, and REVERSE, in part, the Agency's determinations, based on the discussion below.

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" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." 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 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, the ALJ found, and the record substantiates, that Petitioner has received his 12-month lifetime limit of EA benefits, and as such, the Agency sent Petitioner a termination notice on May 27, 2026, informing him that his EA benefits would terminate effective July 1, 2026. See Initial Decision at 4; see also Exhibit R-1 and N.J.A.C. 10:90-6.4(a). On June 29, 2026, Petitioner submitted a Hardship Extension application, however, upon review, the Agency determined that he did not meet the criteria for a hardship extension of EA benefits. *Ibid.*; see also Exhibit R-3 and N.J.A.C. 10:90-6.4(a), (b), (c). At the time of the hearing, Petitioner provided testimony that while receiving EA, he has received out-patient mental and substance abuse treatment four days per week, and that his doctor has opined that he could be employed part-time.



See Initial Decision at 4; see also Exhibit R-4. Additionally, Petitioner began culinary school in January, 2026, which he graduated from during May 2026, and since that time he has sought employment at several restaurants, however, he has not been successful in obtaining employment. See Initial Decision at 4.

Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits, based upon Petitioner's receipt of the 12-month lifetime limit of EA benefits was proper, however, the Agency's denial of a hardship extension of EA benefits was improper, as Petitioner has taken all reasonable steps to become employed and resolve his emergent situation, but despite such efforts, he remains in an emergent situation that presents a hardship and that he should be granted an additional six months of EA benefits. See Initial Decision at 2-5; see also Exhibits R-1, R-2, R-3, and N.J.A.C. 10:90-6.4(b). I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, in part, and REVERSED, in part, as outline above.

Officially approved final version. September 24, 2026

Natasha Johnson
Assistant Commissioner

