



State of New Jersey

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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 **03551-26 Y.S.**

AGENCY DKT. NO. **C285182009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all available hardship extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On March 6, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on March 9, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits are limited to 12 months, 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." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. Ibid. Thus, the maximum amount of EA benefits a WFNJ/TANF recipient may receive is 24 months.

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 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 documented by a WFNJ-5S Form, to be a full-time caregiver. See DFD Instruction ("DFDI") No. 25-02-01.

Here, the record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received twenty-four months of EA benefits, and as such, has exhausted her 12-month lifetime limit of EA benefits, as well as the two six-month hardship extensions available to her, and currently does not qualify for any further extension of any kind. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (c). Accordingly, I find that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions. See N.J.A.C. 10:90-6.4(a), (b), (d).



Petitioner was informed by the Agency that, in order to receive any further EA benefits, she would need to be evaluated under EASG criteria, however, Petitioner has failed to submit a completed EASG application to the Agency as of March 2, 2026. See Exhibit R-1. Also, in relevant part, the record reflects that Petitioner is not a Supplemental Security Income (“SSI”) benefits recipient, has not been determined to be chronically unemployable, and has not provided the Agency with a MED-1 form indicating a 12-month disability, nor a MED-5 form indicating that she is a full-time caregiver to a disabled child, any of which are required in this case to meet the criteria for an extension of EA benefits under the Emergency Assistance for Special Groups (“EASG”) pilot program. See Exhibit R-1; see also N.J.S.A. 44:10-51(a)(3), and DFD Instruction No. 25-02-01.

Nevertheless, based on Petitioner’s particular circumstances, specifically that Petitioner has not been given WFNJ job training by the Agency, as well as a mental health condition of Petitioner’s child, documented by school officials, the ALJ finds a hardship to the family and erroneously misinterprets the regulatory language set forth at N.J.A.C. 10:90-6.4(a), (b), (d), thereby finding Petitioner eligible for an additional six-months of EA benefits. See Initial Decision at 2-5. I respectfully disagree. Rather, based on the discussion above, while I am understanding of Petitioner’s situation, I find that the Agency has no regulatory authority, at this time, by which it can provide Petitioner with any additional EA benefits, as Petitioner has exhausted her 12-month lifetime limit of said benefits, as well as two six-month hardship extensions, and does not qualify for EASG at present, and as such, I conclude that the Agency’s termination of Petitioner’s EA benefits was proper and must stand. 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, should Petitioner obtain documentation indicating a change in circumstances which may impact her eligibility, she is without prejudice to apply for EA benefits under EASG.

By way of further comment, 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 REJECTED, and the Agency’s determination is AFFIRMED, as outlined above.

Officially approved final version. March 12, 2026

Natasha Johnson
Assistant Commissioner

