



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Director

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

REMAND DECISION

OAL DKT. NO. HPW 12564-18 E.M.

AGENCY DKT. NO. C100231011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he had exhausted his 12-month lifetime limit of EA benefits and did not qualify for an extreme hardship extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. After receipt of correspondence from Petitioner, the record closed on October 26, 2018. On November 7, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency to reevaluate Petitioner's eligibility for EA benefits, as discussed below.

Pursuant to N.J.A.C. 10:90-6.4(b)(1)(i), one type of extreme hardship is when "[t]here is the danger of a loss of employment or a bona fide offer of employment[.]"

Here, the ALJ found that Petitioner had exhausted his lifetime limit of EA benefits, and that he did not meet the criteria for an extreme hardship extension of those benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 6-13, and N.J.A.C. 10:90-6.4(a), (b), (c). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper. See Initial Decision at 3; see also Exhibit R-1 at 1-5.

While I agree with the ALJ's finding, that Petitioner has exhausted his 12-month lifetime limit of EA benefits, I find that on October 26, 2018, Petitioner submitted to the ALJ what appear to be two offers of employment that, if valid, would make him eligible for an extreme hardship extension of EA benefits in accordance with N.J.A.C. 10:90-6.4(b)(1)(i). See Letter to Judge Sarah G. Crowley, Andy's



Electrical Service letter, and Roadtex letter. Therefore, I am remanding this matter to the Agency to give it the opportunity to validate said offers of employment, and to reevaluate Petitioner's eligibility for an extreme hardship extension of EA benefits, accordingly. The Agency is to provide Petitioner with continued assistance pending the reevaluation. Should both offers of employment be determined invalid, then continued assistance shall cease, and the Agency's termination of Petitioner's EA benefits shall stand. See Initial Decision at 3; see also Exhibit R-1 at 1-5. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

DEC 24 2018

Natasha Johnson
Director

