



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11582-19 A.G.

AGENCY DKT. NO. C097331003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of a hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner a hardship extension of EA benefits, contending that she did not meet the criteria for an extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2019, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 16, 2019, 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 ADOPT the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND the matter to the Agency, 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/General Assistance ("WFNJ/GA") recipient may qualify for up to an additional six months 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(c). Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record reflects that as of April 1, 2012, Petitioner had received 12 months of EA benefits, and as such, she has exhausted her lifetime limit of EA benefits. See Exhibit R-1 at 21-24, and N.J.A.C. 10:90-6.4(a). The record also reflects that Petitioner does not meet the criteria for an extreme hardship extension of EA benefits, as set forth in N.J.A.C. 10:90-6.4(b)(1). See Initial Decision at 2-3; see also Exhibit R-1 at 19. Additionally, it does not appear from the record that Petitioner has a 12-month MED-1 form or a Supplemental Security Income ("SSI") benefits application pending approval or appeal, and as such, she does not meet the criteria for an extreme hardship extension as set forth in N.J.A.C. 10:90-6.4(b). See Initial Decision at 2-3. Based on the evidence presented, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. *Id.* at 3;



see also Exhibit R-1 at 7-10, 20. I agree. However, the Agency's determination is modified to reflect that the appropriate regulatory authority applicable to the matter at hand is N.J.A.C. 10:90-6.4(a), (b), (c), as outlined in the discussion above, and not N.J.A.C. 10:90-6.9 as cited in the record presented by the Agency. See Exhibit R-1 at 8, 20.

Further, although Petitioner did not, at the time of application, qualify for an extreme hardship extension of EA benefits, she may nevertheless be eligible for EA benefits in accordance with the recently promulgated State of New Jersey Senate Bill, No. S3586, P.L. 2019, c. 74, amending P.L. 1997, c. 14, effective April 30, 2019 ("S3586"), which provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." Specifically, the record reflects that Petitioner applied for EA benefits on August 13, 2019, and that she had last received EA benefits on April 1, 2012. See Exhibit R-1 at 11-13, 21-24. Accordingly, I am remanding the matter to the Agency to reevaluate Petitioner's eligibility for EA benefits in accordance with S3586, on an expedited basis.

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

Officially approved final version.

Natasha Johnson
Director

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