



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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

FINAL DECISION

OAL DKT. NO. HPW 05536-19 C.O.

AGENCY DKT. NO. C488559007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her lifetime limit of EA benefits and did not qualify for any extension of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 9, 2019, but was adjourned to May 23, 2019. On May 23, 2019, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 5, 2019, the ALJ issued an Initial Decision, reversing 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, and AFFIRM the Agency's determination, based on the discussion below.

Based on an independent review of the record, I agree with the ALJ's application of 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." See Initial Decision at 2; see also S3586. I also agree with the ALJ that three months of EA benefits, received by Petitioner in November 2011, December 2011, and January 2012, shall not be counted towards her 12-month EA benefits lifetime limit. See Initial Decision at 3; see also "Check History." However, as of the date of the writing of this Final Agency Decision, and in accordance with S3586, I find that as of March 2019, Petitioner had received 21 months of EA benefits, plus 4 months of continued assistance EA benefits pending this fair hearing (April, May, June and July 2019), for a total of 25 months of EA benefits, and as such, Petitioner has exhausted her 12-month lifetime limit of EA benefits, plus the additional 12 months contemplated pursuant to S3586, received as two six-month extreme hardship extensions, and is therefore ineligible for additional EA benefits. See "Check History;" see also N.J.A.C. 10:90-6.4(a), (b), (d) and S3586. Although at the time of the hearing, the ALJ correctly concluded that Petitioner was



eligible for an additional three months of EA benefits, due to Petitioner's receipt of continued assistance pending this fair hearing, I find that she has already been provided with those additional months of EA benefits. See Initial Decision at 3. Therefore, I find that the Agency's denial of EA benefits to Petitioner was proper and must stand. The Initial Decision is modified to reflect this finding.

By way of 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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

JUL 26 2019

Natasha Johnson

Director

