



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
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 08776-19 F.D.

AGENCY DKT. NO. S750671009 (HUDSON COUNTY DEPT OF FAM 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 lifetime limit of EA benefits and did not qualify for an extension of EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 7, 2019, but was adjourned to allow Petitioner sufficient time to submit an amended MED-1 form. On August 27, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 17, 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 ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

The recently promulgated S866 extends EA benefits eligibility for certain categories of individuals, including, but not limited to, WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form. See DFD Instruction No. 19-02-01.

Here, the record reflects that Petitioner had exhausted his lifetime limit of EA benefits and applied for extension of EA benefits pursuant to S866, also known as Emergency Assistance for Specific Groups ("EASG"). See Exhibits R-1, R-2. It appears from the record that the Agency denied Petitioner an extension of EA benefits, contending that he did not meet the criteria for an extension of EA benefit under S866 because he did not have a MED-1 form indicating a 12-month disability, and was therefore employable. See Initial Decision at 2; see also Exhibit R-1. Consequently, the Agency terminated Petitioner's EA benefits based on exhaustion. Ibid. However, the ALJ found, and the record substantiates, that at the time the Agency had denied Petitioner an extension of EA benefits, he had a valid MED-1 form indicating a disability that prohibited him from engaging in any form of "work activity"



for a period of 12 months, and that the Agency failed to provide any evidence to the contrary. See Initial Decision at 2-3; see also Exhibit P-1. Of note, Petitioner had subsequently submitted an updated MED-1 form, albeit from a different physician, which also establishes that Petitioner is unable to engage in any form of "work activity" for a period of 12 months. See Initial Decision at 3; see also Exhibit P-2. Based on the foregoing, the ALJ found Petitioner eligible for an extension EA benefits, and concluded that the Agency's termination of Petitioner's EA benefits was improper. See Initial Decision at 3-4; see also Exhibit R-1. While I agree with the ALJ's conclusion, that Petitioner is eligible for an extension of EA benefits, I find that Petitioner is eligible for said benefits pursuant to S866, and not pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PI HASE") Pilot Program, as mistakenly stated by the ALJ. See Initial Decision at 2; see also Exhibit R-1. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

Natasha Johnson

Assistant Commissioner

NOV 01 2019

