



State of New Jersey

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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 00102-19 J.A.

AGENCY DKT. NO. C073991008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's December 13, 2018, denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extreme hardship extension of EA benefits, contending that he did not meet the criteria for said extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 1, 2019, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 8, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 19, 2019.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the ALJ found that Petitioner has exhausted his 12-month lifetime limit of EA benefits, and at the time that he applied for an extreme hardship extension of EA benefits, on November 28, 2018, he did not meet the criteria for such extension. See Initial Decision at 3; see also Exhibit R-1 at 4-6, 19-23, and N.J.A.C. 10:90-6.4(a), (b). Specifically, at the time of application on November 28, 2018, Petitioner did not have a MED-1 form, had not applied for Supplemental Security Income benefits, was not in danger of the loss of employment, as he was not employed at that time, and did not have a bona fide offer of employment. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(b)(1)(i), (2). Based on the foregoing, the ALJ concluded that the Agency's December 13, 2018, denial of an extreme hardship extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.4(a), (b). I agree.

However, as it appears from the record, and is again reiterated in Petitioner's Exceptions, that Petitioner is now employed, and as there may be a danger of the loss of employment, Petitioner may reapply for an extreme hardship extension of EA benefits, and the Agency is directed to process Petitioner's application on an expedited basis. See Initial Decision at 3; see also Exceptions and N.J.A.C. 10:90-6.4(b)(1)(i). Should the Agency then deny Petitioner's application, Petitioner may requested another fair hearing on that denial.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED.



APR 11 2019

Officially approved final version.

Natasha Johnson
Director

