



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

FINAL DECISION

OAL DKT. NO. HPW 07701-19 K.R.

AGENCY DKT. NO. C120092011 (MERCER COUNTY BOARD OF SOC. SVCS..)

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 an extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on June 11, 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 REVERSE the Agency's determination, as discussed 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/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions 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(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received 24 months of EA benefits, and as such she has exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (d). Consequently, Petitioner applied 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"), which extends EA benefits eligibility for certain categories of individuals. See Initial Decision at 2. Petitioner provided the Agency, first, with a MED-1 form completed by her neurologist indicating that she was temporarily incapacitated for less than 11 months and then, subsequently, provided the Agency with a MED-1 form completed by her primary care physician, indicating a 12-



month permanent disability. See Exhibits R-2, R-3, R-4. The Agency denied Petitioner an extension of EA benefits, contending that she did not qualify for such extension on the basis that the first MED-1 form, provided by Petitioner's neurologist, did not indicate a 12-month disability. See Initial Decision at 1-2; see also Exhibit R-1, R-4, and S866. However, the ALJ found that the most recent 12-month MED-1 form provided by Petitioner's primary care physician was the controlling MED-1 form, and as such, concluded that Petitioner was eligible for an extension of EA benefits. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(a), (b). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1. While I agree with the ALJ's ultimate conclusion in this matter, I disagree with the ALJ's legal analysis. See Initial Decision at 3. Rather, I find that Petitioner is eligible for an extension of EA benefits pursuant to S866, which expands upon the criteria for an extension of EA benefits set forth at N.J.A.C. 10:90-6.4(a), (b), for certain categories of individuals. The Initial Decision is modified to reflect this finding.

By way of comment, the Agency is directed to provide Petitioner with EA benefits on an expedited basis. Petitioner is advised that the Agency shall determine the most appropriate form of EA benefits, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version.

JUN 14 2019

Natasha Johnson

Director

