



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 **03872-19 M.B.**

AGENCY DKT. NO. **C456663007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits and the subsequent termination of his EA benefits. The Agency denied Petitioner an extension of EA benefits, contending that he failed to comply with his EA service plan ("SP"), and subsequently terminated Petitioner's EA benefits, contending that he had exhausted his lifetime limit of said benefits and had failed to comply with his SP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 8, 2019, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 9, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had received 18 months of EA benefits as of January 2019, and as such, he had exhausted his 12-month lifetime limit of EA benefits, plus one six-month extreme hardship extension. See Initial Decision at 2; see also Exhibit R-1 at 17-21, and N.J.A.C. 10:90-6.4(a), (b), (c). On January 30, 2019, Petitioner applied for an extension of EA benefits, and on that same date, the Agency denied Petitioner an extension of EA benefits contending that he had failed to comply with his SP by failing to conduct the required weekly housing searches. See Initial Decision at 2; see also Exhibit R-1 at 6-15, and N.J.A.C. 10:90-6.6(a). Thereafter, on March 1, 2019, the Agency terminated Petitioner's EA benefits contending that he had exhausted his lifetime limit of EA benefits, and had failed to comply with his SP. See Initial Decision at 3; see also Exhibit R-1 at 1-5, 17-21, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.6(a). Petitioner claimed that he had made efforts to secure housing, but that he had run into "interference" in his search for housing due to his criminal past and incarceration. See Initial Decision at 4. However, the ALJ found that Petitioner had failed to document what that alleged "interference" was. *Ibid.* Further, the ALJ found that Petitioner had not conducted the ten weekly housing searches required pursuant to his SP, commencing in June 2018. *Ibid.*; see also Exhibit R-1 at 7. Specifically, the record indicates that the only housing searches Petitioner had provided to the Agency were for November 2018. See Initial Decision at 4; see also Exhibit R-1 at 27. Based on the foregoing, the ALJ concluded that Petitioner had exhausted his lifetime limit of EA benefits and had failed to comply with his SP. See Initial Decision at 4. Accordingly, the ALJ also concluded that the Agency's denial of an extension of EA benefits to Petitioner, and its subsequent termination of his EA benefits, were proper and must stand. *Id.* at 4-5; see also Exhibit R-1 at 1-5, 13-15. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



By way of comment, because I concur with the ALJ that Petitioner failed to comply with his SP, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioner has been receiving continued assistance pending the outcome of the hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the record reflects that Petitioner is not a Supplemental Security Income ("SSI") benefits recipient, is not over the age of 60, is not chronically unemployable, and does not have a MED-1 form indicating a 12-month disability, and as such, would not be eligible for an extension of EA benefits in accordance with 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 4. Moreover, Petitioner would also be ineligible for an extension of EA benefits pursuant to S866 due to his SP violation. See DFD Instruction 19-02-01 at 2. Petitioner would also be ineligible for a second extreme hardship extension of EA benefits, as applicable regulatory authority only allows Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipients, such as Petitioner, one six-month extreme hardship extension, which Petitioner has already received. See Initial Decision at 2; see also Exhibit R-1 at 17-21, and N.J.A.C. 10:90-6.4(c).

Also, by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

Natasha Johnson
Director

MAY 10 2019

