



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

REMAND DECISION

OAL DKT. NO. HPW 13879-19 P.M.

AGENCY DKT. NO. C602904007 (ESSEX COUNTY DIVISION OF WELFARE)

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 those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 17, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion 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.

The recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), extends EA benefits eligibility for certain categories of individuals, including, but not limited to, WFNJ recipients over sixty (60) years of age.

Based on an independent review of the record, I make the following findings regarding the Agency's termination of Petitioner's EA benefits. The record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received 30 months of EA benefits, and as such, he has exhausted his 12-month lifetime limit of EA benefits, plus two-six month extreme hardship extensions. See Initial Decision at



2; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(a), (b), (d). Here, the Agency erroneously evaluated Petitioner's eligibility for an extension of EA benefits pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, and determined that Petitioner was ineligible for an extension of EA benefits under PHASE. See Initial Decision at 2; see also Exhibit R-1. The ALJ also erroneously found Petitioner eligible for an extension of EA benefits pursuant to the regulatory authority governing eligibility for an extreme hardship extension of EA benefits, of which Petitioner had already received the maximum two-six month extensions allowable. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.4(a), (b). Rather, I find, and the record substantiates, that Petitioner is over the age of 60, and as such, it appears that he may be eligible for an extension of EA benefits pursuant to S866. See Initial Decision at 4; see also Exhibit P-2, and DFD Instruction No. 19-02-01. Therefore, I am remanding this matter to the Agency, and directing that the Agency reevaluate Petitioner's eligibility for continued EA benefits in accordance with the new law, on an expedited basis. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that should the Agency deny him an extension of EA benefits pursuant to S866, he may request another fair hearing on that issue, alone.

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

Officially approved final version.

OCT 24 2019

Natasha Johnson

Assistant Commissioner

