



State of New Jersey

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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 05296-19 R.M.

AGENCY DKT. NO. C081400018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits and the termination of those benefits. The Agency denied Petitioner an extension of EA benefits, contending that he had violated his EA service plan ("SP") and did not meet the criteria for such extension. 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 EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2019, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to complete five affordable housing searches per week, including Section 8 housing, and to provide evidence of same to the Agency. See Initial Decision at 2, 4-5; see also Exhibit R-1 at 5-6. Petitioner failed to provide the required March 2019, housing searches to the Agency, and as a result, the Agency denied Petitioner an extreme hardship extension of EA benefits and terminated his EA benefits, effective May 1, 2019. See Initial Decision at 2-3; see also Exhibit R-1 at 1-4, 7-8, and N.J.A.C. 10:90-6.6(a). Petitioner admitted that he had failed to provide the Agency with his March 2019, housing searches, but claimed that such searches should not have been required because he had been accepted for Section 8 housing. See Initial Decision at 3. The Agency also denied Petitioner an extreme hardship extension of EA benefits because he did not meet any of the eligibility criteria for such extension. *Id.* at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.4(b). The record also reflects that neither Petitioner, nor any member of his assistance unit, has a 12-month MED-1 form, and which, but for his SP violation, a 12-month MED-1 form may have made Petitioner eligible 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 3.

The ALJ found that Petitioner's SP was valid and in effect through May 2019, and that Petitioner's acceptance for Section 8 housing did not establish good cause for failing to conduct his required housing



searches, particularly because he had been advised by the Agency of his requirement to continue those searches. Id. at 2. Accordingly, the ALJ found that Petitioner failed to comply with his SP. Id. at 2, 4-6; see also Exhibit R-1 at 5-6. The ALJ also found that Petitioner did not meet the criteria for an extreme hardship extension of EA benefits, particularly because he had become gainfully employed as of April 10, 2019, and there was no danger of a loss of employment. See Initial Decision at 4, 6-7; see also Exhibit R-3. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and denial of an extreme hardship extension of those benefits, were proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 1-4, 6-7, and N.J.A.C. 10:90-6.4(b), -6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on June 17, 2019.

As the Director of the Division of Family Development, 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 agree with the ALJ's conclusion 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 6-7; see also N.J.A.C. 10:90-6.6(a). I note that Petitioner has been receiving continued assistance of EA benefits in conjunction with his companion case, docketed at OAL Dkt. No. HPW 04261-19. As a Final Agency Decision ("FAD") in that matter is being issued concurrently with the present case, Petitioner's six-month EA penalty shall begin to run as of the issuance of this FAD.

By way of further 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.

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

JUN 27 2019

Natasha Johnson

Director

