



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 02668-19 W.R.

AGENCY DKT. NO. C174255009 (HUDSON COUNTY DEPT OF FAM 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, plus all applicable extensions, and did not qualify for any further extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 27, 2019, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 28, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 5, 2019.

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.

Here, the record reflects that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, had received 48 months of EA benefits as of April 2012, and as such, had exhausted her 12-month lifetime limit of EA benefits, plus two six-month EA extreme hardship extensions, as well as having received EA benefits under the previous Housing Assistance Program ("HAP") pilot. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-6.4(a), (b), (d), -6.10. On February 8, 2019, Petitioner applied for EA benefits. See Initial Decision at 2; see also Exhibit R-3. At the time of her EA application, Petitioner had a valid 12-month MED-1 form, which would expire on July 25, 2019. See Exhibit P-1. The record reflects that, shortly after she applied for EA benefits, Petitioner submitted a new MED-1 form indicating a 12-month disability from February 14, 2019, through February 14, 2020. See Initial Decision at 2; see also Exhibit R-1. Nevertheless, on February 22, 2019, the Agency denied Petitioner EA benefits, contending that the 12-month MED-1 form provided by her physician, dated February 14, 2019, did not indicate a permanent disability such that Petitioner would be eligible for an extension of EA benefits, as her physician indicated on the form that Petitioner was "Temporarily Incapacitated" for a period of 12 months. See Initial Decision at 2; see



also Exhibits R-1, R-2, R-4. Regardless, I find that Petitioner's MED-1 form indicates that Petitioner has a 12-month disability, and therefore, in accordance with regulatory authority, Petitioner is considered permanently disabled for the period of February 14, 2019, through February 14, 2020, and as such, Petitioner is eligible for an extension of EA benefits, pursuant to recently promulgated State of New Jersey Senate Bill, No. 866 ("S866"), effective December 20, 2018. See Exhibits R-1, R-2; see also N.J.A.C. 10:90-2.4(a)(3), -6.9(a)(1)(i). Of note, the Agency approved Petitioner's February 14, 2019, MED-1 form and deferred Petitioner from the WFNJ work activity, which includes employment, on the basis that she had a "permanent disability" for a period of 12 months. See Exhibit R-1; see also N.J.A.C. 10:90-4.10(a)(2)(ii). Accordingly, I find that Petitioner is eligible for EA benefits in accordance with S866, and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Exhibits R-2, R-4. Further, although I agree with the ALJ that Petitioner is to be provided with EA benefits, I disagree with the ALJ's conclusion that the Agency should provide Petitioner with six-months of EA benefits. See Initial Decision at 3. Rather, I find that the Agency is to provide Petitioner with EA benefits so long as she continues to remain eligible for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

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

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

Officially approved final version.

Natasha Johnson
Director

MAR 07 2019

