



State of New Jersey

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*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 14827-19 K.D.

AGENCY DKT. NO. C255047009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all applicable extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 17, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 26, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

The lifetime limit of EA benefits shall be deferred for up to six months where the EA termination would unfairly penalize an EA benefits recipient who is, or has been, victimized by family violence, or who is at risk of further family violence. See N.J.A.C. 10:90-6.4(f).

Here, the record reflects that Petitioner has received 12 months of EA benefits, plus two six-month extreme hardship extensions, and as such, the Agency terminated Petitioner's EA benefits on the basis that she had exhausted her lifetime limit of EA benefits, plus all available extensions. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (d). However, the record reflects that Petitioner is the victim of past domestic violence, and because she alleged that she is still experiencing the impact of said domestic violence, which inhibits her ability to achieve self-sufficiency, the ALJ found Petitioner eligible for an extension of EA benefits in accordance with N.J.A.C. 10:90-6.4(f), reversed the Agency's termination of Petitioner's EA benefits, and ordered the Agency to provide Petitioner with six months of EA benefits. See Initial Decision at 2-6; see also Exhibits P-1, P-2, and R-1. While I agree with the ALJ's finding, that Petitioner is eligible for an extension of EA benefits in accordance with N.J.A.C. 10:90-6.4(f), I find that she is only eligible for six months of EA benefits, so long as she continues to



remain eligible for same. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

Further, because the record reflects that Petitioner's Family Violence Option ("FVO") risk assessment is now over two years old, and because Petitioner alleges that she is still experiencing the impact of said family violence, the Agency is directed to refer Petitioner for another FVO risk assessment. See Initial Decision at 2-4; see also N.J.A.C. 10:90-20.1. Therefore, I am remanding the matter to the Agency to refer Petitioner for an FVO risk assessment.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b), which states, "The county or municipal representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Additionally, the Agency is reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

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.

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Natasha Johnson  
Assistant Commissioner

JAN 7 2019

