



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

FINAL DECISION

OAL DKT. NO. HPW 11078-20 O.S.

AGENCY DKT. NO. C121012006 (CUMBERLAND COUNTY BD OF SOC 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 and did not qualify for an extension of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2021, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for a review of the documents submitted by Petitioner, and the record then closed on January 13, 2021.

On February 1, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had received 18 months of EA benefits between 2011 and 2013, and that none of those EA benefits months were provided under the extreme hardship extension criteria set forth at N.J.A.C. 10:90-6.4. See Initial Decision at 2; see also Exhibit R-1 at 6. Of note, the record also indicates that none of the EA benefits provided to Petitioner fell under any EA pilot program. See Exhibit R-1 at 6. The ALJ also found that Petitioner is not a Supplemental Security Income ("SSI") benefits recipient; that she had not provided the Agency with a MED-1 form indicating a 12-month disability; that her participation in WFNJ work activities, as well as her master's degree, exhibited an ability to work; and that she had been assessed by the Agency's domestic violence ("DV") unit, and it had been determined that she is not at risk for DV. See Initial Decision at 2, 5; see also Exhibit R-1 at 30. Further, the ALJ found that Petitioner had failed to present any evidence to substantiate her claim that she is chronically unemployable. See Initial Decision at 2-3, 5; see also Exhibit P-1 at A2. Based on the foregoing, the ALJ concluded that Petitioner was ineligible for an extreme hardship extension of EA benefits, and therefore, also ineligible for EA benefits in accordance with N.J. Stat., Section 44:10-51. See Initial Decision at 3-5. Accordingly, the ALJ concluded that the Agency's denial of an extreme hardship extension of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 12-16, and N.J.A.C. 10:90-6.4, N.J. Stat. Section 44:10-51. I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 17, 2021.



As Assistant Commissioner, 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, based on an independent review of the record, I also find that Petitioner is ineligible for an extension of EA benefits pursuant to 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.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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. APR - 1 2021

Natasha Johnson
Assistant Commissioner

