



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **05351-23 F.S.**

AGENCY DKT. NO. **S482136014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Emergency Assistance ("EA") benefits in the form of storage costs. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her six-month limit for receipt of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 1, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(4)(iv), "[p]ayment of storage costs shall be made at the most reasonable rates available and shall not exceed six months. If additional time is required due to individual circumstance, the agency shall request approval from DFD."

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A WFNJ/GA recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1), (2). See also N.J.A.C. 10:90-6.4(c).

Here, the ALJ found that Petitioner's WFNJ/GA benefits have not been terminated and that she has been receiving, and continues to receive, WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-2. As that issue was now moot, the ALJ did not specifically address said issue in the Initial Decision, and therefore, it is not addressed in this Final Agency Decision.



Additionally, in accordance with N.J.A.C. 10:90-6.3(a), the ALJ found that Petitioner had exhausted the allowable 12-month lifetime limit of EA benefits in the form of storage costs, which included an additional four months of shelter cost payments awarded to her at a previous fair hearing, and that she did not qualify for a further extension of EA benefits in the form of storage payments. See Initial Decision at 2-4. On that basis, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id at 4. I agree with the ALJ's ultimate conclusion, however, although the record reflects that Petitioner received at least 12 months of storage payments, I find that the relevant controlling regulatory authority in this matter is N.J.A.C. 10:90-6.3(a)(4)(iv) which makes clear that the payment of storage costs "shall not exceed six months." Ibid. The Initial Decision is modified to reflect the correct regulatory authority in this matter.

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

Officially approved final version. December 20, 2023

Natasha Johnson
Assistant Commissioner

