



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 **09029-22 J.O.**

AGENCY DKT. NO. **C273951009 (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 available extensions, and that she did not qualify for any further extensions of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 16, 2022, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to open to allow Petitioner the opportunity to submit supporting documentation. No documents were received and the record then closed on November 21, 2022. On January 6, 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 considered the ALJ's Initial Decision, and hereby MODIFY the Initial Decision, and AFFIRM the Agency determination in this matter, based on the discussion below.

Here, the record indicates that Petitioner had exhausted her 12-month lifetime limit of EA benefits, plus the two allowable six-month extreme hardship extensions, and as such, she had applied 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"), also known as Emergency Assistance for Specific Groups ("EASG"), which extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a 12-month MED-1 form. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(a), (b), and Division of Family Development Instruction ("DFDI") No. 19-02-01. However, the Agency determined that Petitioner did not qualify for an extension of EA benefits under EASG, denied her application for such extension, and terminated her EA benefits due to exhaustion, effective August 31, 2022. See Initial Decision at 2-3; see also Exhibit R-1, R-3, and S866, and DFDI No. 19-02-01. Petitioner acknowledged that she had exhausted her EA benefits and did not qualify for an EASG extension, however, she claimed that she was expecting to complete her educational training by the end of December 2022, and



was only requesting an extension of EA benefits through the end of that month. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner, and the consequent termination of her EA benefits due to exhaustion, were proper and must stand. See Initial Decision at 4. I agree.

Additionally, based on Petitioner's particular circumstances, specifically the fact that she was expected to complete her educational training and obtain the needed licensing for employment by the end of December 2022, thereby moving her toward self-sufficiency, the ALJ also concluded that it was reasonable for the Agency to provide Petitioner with EA benefits through December 2022, and accordingly, ordered the Agency to provide same. See Initial Decision at 4. I respectfully disagree with this conclusion, based on the analysis above and the determination that Petitioner has exhausted all EA benefits available to her. Moreover, as of the date of the hearing, Petitioner had already received 38 months of EA benefits. See Initial Decision at 2 fn 1. However, as Petitioner has received continued assistance pending the completion of this fair hearing, and the issuance of this Final Agency Decision, the date ordered by the ALJ has since passed. The Initial Decision is modified to reflect this finding.

By way of 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.

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

Officially approved final version. February 9, 2023

Natasha Johnson
Assistant Commissioner

