



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 **04602-23 R.R.**

AGENCY DKT. NO. **C171816020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he caused his own homelessness by failing to pay his 30 per cent contributory portion of rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 26, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 30, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 1, 2023.

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 REVERSE the Agency's determination, based on the discussion below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A Supplemental Security Income ("SSI") recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b) (1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that an SSI benefits recipient may receive is 18 months.

State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EASG, extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and SSI benefits recipients. See DFD Instruction ("DFDI") No. 19-02-01.

Here, based on Petitioner's particular circumstances, the ALJ found that Petitioner had good cause for failing to pay his 30 percent contribution of rent, had therefore not caused his own homelessness, and as



such, concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 2-4; see also Exhibit R-1 at A1 through F5, and N.J.A.C. 10:90-6.1(c)(3), -6.5(a). I agree. The ALJ also found that Petitioner is about to exhaust his 12-month lifetime limit of EA benefits in approximately 90 days, and as such, ordered the Agency to assist Petitioner with locating affordable housing when his eligibility expires, and to assist him with obtaining a MED-1 form needed for an extension of EA benefits. See Initial Decision at 3-4. I respectfully disagree. Rather, I find that, at the expiration of Petitioner's 12-month lifetime limit of EA benefits, Petitioner, as an SSI benefits recipient, is eligible for six-month extreme hardship extension of said benefits, and thereafter, eligible for an EASG extension of said benefits, provided he remains compliant with all EA benefits requirements. See N.J.A.C. 10:90-6.1 et seq., -6.4(a), (b), (c) and N.J.S.A. 44:10-51(a)(3). Further, no MED-1 form is required for such extensions due to Petitioner's SSI status. Ibid. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that he must pay his 30 percent contributory portion of the rent in accordance with his EA service plan, or his EA benefits may be terminated, and a six-month EA ineligibility penalty imposed. See N.J.A.C. 10:90-6.6(a).

By way of further comment, I have reviewed the Agency's Exceptions, and 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 determination is REVERSED, as outlined above.

Officially approved final version. June 06, 2023

Natasha Johnson
Assistant Commissioner

