



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **03940-23 Y.S.**

AGENCY DKT. NO. **C175025009 (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 said benefits, and that she had violated the terms of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 12, 2023, but was adjourned to May 15, 2023. On that date, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed on May 16, 2023. On May 17, 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 MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.2(a) provides that Work First New Jersey ("WFNJ") cash recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

N.J.A.C. 10:90-6.3(g) states that, "[p]rior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed. The recipient shall be required to follow through with services to address those barriers for continued EA eligibility. Such services shall be identified as mandatory activities in the [SP]."

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(a), (b). Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C.



10:90-6.4(c). Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the ALJ found that, because Petitioner had been evicted from her room prior to the Agency's termination of her EA benefits, that any emergent relief for EA benefits was unnecessary and moot, and as such, affirmed the Agency's determination. See Initial Decision at 3-4. I respectfully disagree. Rather, based on an independent review of the record, and having taken official notice of the records of this office, I find that Petitioner has received 14 months of EA benefits, and as such, she has exhausted her lifetime limit of EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(a), (b), (c), and N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). However, as stated by the ALJ, it is unclear from the record whether Petitioner was given the opportunity to apply for an extreme hardship extension of EA benefits, and I find that she may have been eligible for an additional four months of EA benefits under such extreme hardship extension, regardless of whether or not she had been evicted from her prior placement. See Initial Decision at 3-4.

Further, the record indicates that Petitioner's EA benefits had been terminated because she had violated her SP, by failing to provide the Agency with the required job and housing searches. See Initial Decision at 2; see also Exhibits C-1, C-3, and N.J.A.C. 10:90-6.6(a). The ALJ found, and Petitioner admitted, that she had failed to provide said searches. See Initial Decision at 2. While I find that Petitioner would not currently be required to provide job searches to the Agency, by virtue of her MED-1 form which indicates a 12-month disability, she was required to provide the Agency with housing searches, which she failed to do. Id. at 2-3; see also Exhibit C-2. Of note, at the time of the Agency's termination of Petitioner's EA benefits on April 14, 2023, Petitioner had not yet provided the Agency with her MED-1 form. Ibid.; see also Exhibit C-1. Specifically, Petitioner's MED-1 form, indicating potential barriers to EA compliance, had not been provided to the Agency until May 8, 2023. See Initial Decision at 2-3; see also Exhibit C-2, and N.J.A.C. 10:90-6.3(j). Therefore, I find that Petitioner had violated her EA SP. See Exhibit C-1; see also N.J.A.C. 10:90-6.6(a).

Regardless of the above findings, because the record indicates that Petitioner is no longer a WFNJ benefits recipient, nor an SSI benefits recipient, I find that she is ineligible for EA benefits, and on that basis, ultimately conclude that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). The Initial Decision, and the Agency's determination, are both modified to reflect this finding.

By way of comment, based on Petitioner's particular mental health issues, the Agency shall assist Petitioner in the redetermination application process for continued WFNJ/GA benefits, and assist her with completing an application for an extreme hardship extension of EA benefits. See Initial Decision at 4. Further, the Agency is to provide Petitioner with immediate need assistance pending the approval/denial of said applications. See N.J.A.C. 10:90-1.3. In the event that Petitioner's WFNJ/GA application for redetermination, and/or Petitioner's EA benefits extreme hardship application are denied by the Agency, Petitioner may request another fair hearing on the substantive denial(s).

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

Officially approved final version. May 23, 2023

Natasha Johnson
Assistant Commissioner

