



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **09646-263 D.H.**

AGENCY DKT. NO. **C708413007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. Petitioner also appeals the correctness of the Agency's reduction of WFNJ/GA benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that it could not verify her identity, terminated her EA benefits, contending that she was no longer a WFNJ benefits recipient, and reduced her WFNJ/GA benefits from the unemployable rate to the employable rate, contending that she did not have a valid MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 26, 2023, but was adjourned at the request of Petitioner's counsel because Petitioner was unavailable. The hearing was rescheduled for November 2, 2023, but was again adjourned due to Petitioner's unavailability. On December 11, 2023, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 22, 2024, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determinations.

Exceptions to were filed by the Agency on December 14, 2023, with respect to an interlocutory order issued by the ALJ, and Exceptions to the Initial Decision on January 29, 2024.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 in part, and REVERSE in part, the Agency's determination, based on the discussion below.

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 EA for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, 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 Supplemental Security Income ("SSI") benefits recipients. See DFDI No. 19-02-01.

Based on an independent review of the record, I find the following on the three issues that are on appeal in this case.

First, concerning the Agency's denial/termination of EA benefits to Petitioner by notice dated January 25, 2023, on the basis that Petitioner had exhausted her lifetime limit of EA benefits, I find, and the record substantiates, that Petitioner has exhausted her lifetime limit of EA benefits, including two six-month extreme hardship extensions, as well as other applicable extensions. See Initial Decision at 5-6, 11-12; see also Exhibits R-14, R-16, and N.J.A.C. 10:90-6.4(a), (b), (c). However, the record reflects, and I take official notice of the records of this office that, at the time of Petitioner's January 25, 2023, denial of EA benefits, Petitioner had a 12-month MED-1 form valid through April 30, 2023, and currently has



12-month MED-1 forms valid through May 1, 2024, and June 1, 2024. Therefore, Petitioner appears eligible for an EASG extension of EA benefits. See Initial Decision at 5-6, 12-15; see also Exhibits P-2, P-3, R-1, and N.J.A.C. 10:90-6.4(a), (b), (c), N.J.S.A. 44:10-51(a)(3), DFDI 19-02-01. However, the record indicates that Petitioner had not applied for an EASG extension at the time of her EA benefits denial, and as such, I concur with the ALJ's ultimate conclusion that the Agency's January 25, 2023, denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 12; see also Exhibit R-14. Further, I find that Petitioner must first apply for an EASG extension before she can be approved for an extension of EA benefits. Accordingly, Petitioner is advised that she may apply for an EASG extension of said benefits, and that upon receipt of Petitioner's application, the Agency is directed to process her application on an expedited basis. Further, based on the reversal of the Agency's termination of WFNJ/GA benefits as discussed below, I find that Petitioner is eligible to apply for an EASG extension of EA benefits. See Initial Decision at 22; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect these findings, and to correct the ALJ's misplaced reliance on DFDI No. 19-07-01 "Emergency Assistance 7-Year Disregard," rather than N.J.S.A. 44:10-51(a)(3), and DFDI No. 19-02-01 "Emergency Assistance (EA) for Specific Groups" to conclude that Petitioner was ineligible for an EASG extension. See Initial Decision at 12.

Second, concerning the Agency's reduction of Petitioner's WFNJ/GA benefits from the unemployable benefit rate to the employable benefit rate, I concur with the ALJ's finding that in conjunction with the ORDER of December 14, 2023, that there is no dispute between the parties that Petitioner is entitled to retroactive WFNJ/GA benefits at the unemployable rate of \$277. See Initial Decision at 16-17; see also Exhibit C-2; see also N.J.A.C. 10:90-2.9(a)(2), -3.6(a), and Informational Transmittal 19-21. However, based on the payment history provided in the record, and the valid MED-1 forms also provided in the record, I find that Petitioner is entitled to retroactive WFNJ/GA benefits from May 01, 2023, to the present. See Exhibits P-2, P-3, R-1. The Initial Decision is also modified to reflect the accurate retroactive dates for Petitioner's receipt of WFNJ/GA benefits at the unemployable rate of \$277.

Third, concerning the Agency's termination of Petitioner's WFNJ/GA benefits on the basis that the Agency could not verify the accuracy of Petitioner's identity, the ALJ found that Petitioner's identity issue had been resolved, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 18-22; see also Exhibits P-10, R-21. I agree, and further, I concur with the ALJ's finding that Petitioner was not required to be represented by counsel regarding her application for SSI benefits. See Initial Decision at 17-20; see also N.J.A.C. 10:90-2.2(a)(3).

By way of 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 AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. February 27, 2024

Natasha Johnson
Assistant Commissioner

