



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 11621-23 D.S.

AGENCY DKT. NO. C169576003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits and the termination of EA housing placement. The Agency denied Petitioner EA benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions, and did not qualify for a further extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 18, 2023. On that date, Petitioner informed the tribunal she was represented by Legal Services of New Jersey, but that, due to severe flooding, their office was closed. The hearing was then scheduled for January 8, 2024, but an adjournment was requested and granted to determine if there was an appropriate MED-1 form received by the Agency. The hearing was rescheduled for January 17, 2024, but due to a miscommunication both parties failed to appear. On February 26, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until February 27, 2024, for post-hearing submissions and then closed on that date. On March 18, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Here, the ALJ found, and the record substantiates, that Petitioner has received 32 months of EA benefits, which included numerous extensions, and she has exhausted her lifetime limit of EA benefits and did not qualify for any further extension of any kind. See Initial Decision at 4-5; see also Exhibits R-A, R-B, and N.J.A.C. 10:90-6.4(a), (b), and (d). Specifically, Petitioner received 12 months of EA benefits from November 2018 through April 2022, followed by 12 months of EA hardship extension benefits from May 2022 through April 2023. See Initial Decision at 2-4; see also Exhibit R-A.

During June 2023, Petitioner reapplied for an EA Hardship Extension for Specific Groups. See Initial Decision at 3; see also Exhibit R-B. On July 27, 2023, the Agency notified Petitioner her application for an EA Hardship Extension for Specific Groups was denied, effective May 16, 2023, as she did not meet the hardship criteria for an extension of EA benefits under the Emergency Assistance for Special Groups ("EASG") program. See Initial Decision at 3, 5, Exhibit R-B, N.J.A.C. 10:90-6.4, the State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), and the State of New Jersey Senate Bill, No. S3960, P.L. 2023, c. 198, effective December 21, 2023 ("S3960") now codified at N.J.S.A. 44:10-51(a)(3), also known as EASG (extending EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve-month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients), and Division of Family Development Instruction ("DFDI") No. 24-03-01. At that time, Petitioner was also informed that, effective August 27, 2023, her EA housing assistance would be terminated. See Exhibit R-B.



While the record reflects that, on January 8, 2024, Petitioner faxed a MED-1 form to the Agency, the Agency argued that, at the time of denial in July 2023, Petitioner did not have a MED-1 form and had reported that she had lost her employment. See Exhibit R-D. Petitioner testified she was not aware she could receive a MED-1 form for her illness and that, at the time of application for the EA hardship extension, she had been laid off from her employer but that she planned to return to work. See Initial Decision at 4; see also Exhibit R-B. After the Agency received the MED-1 form, Petitioner was deferred from her WFNJ work activity and was advised to apply for Social Security Disability and/or SSI benefits and to provide the Agency with verification of same. See Initial Decision at 4; see also Exhibit P-1. Petitioner testified during the hearing she had an appointment with the Social Security Administration ("SSA") on March 6, 2024. See Initial Decision at 4; see also Exhibit P-2.

Although a valid MED-1 form was received, effective January 8, 2024, the record is clear that there was no MED-1 form in place at the time of Petitioner's EA hardship extension application, at the time of the Agency's denial in July 2023, nor during any time in 2023. Further, at the time of the July 27, 2023, denial, Petitioner had not applied for SSI, which is required. See N.J.A.C. 10:90-2.2(a)(3) (requiring WFNJ recipients to apply for all other assistance for which they may be eligible).

Based on the foregoing, the ALJ concluded that the Agency's July 27, 2023, denial of an extension of EA benefits, and the termination of housing assistance to Petitioner was proper and must stand. See Initial Decision at 7; see also Exhibit R-B. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, dependent upon the results of the Petitioner's appointment with SSA, Petitioner may be eligible to reapply for benefits under the provisions of EASG.

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

Officially approved final version. April 30, 2024

Natasha Johnson
Assistant Commissioner

