



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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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 12722-23 K.J.

AGENCY DKT. NO. C011674018 (SOMERSET COUNTY BOARD OF SOC. 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, and that her Supplemental Security Income ("SSI") appeal had been denied, with no further appeal purportedly having been taken. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Hearings were initially scheduled for January 2, and January 16, 2024, but both were adjourned. On January 30, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 20, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on the credible testimony of Petitioner, and the documentary evidence provided, the ALJ found that Petitioner had provided substantiating documentation to the Agency which clearly indicated that she had appealed her July 21, 2023, denial of SSI benefits, and that she was still in the appeals process. See Initial Decision at 2-4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on the basis that she had exhausted her lifetime limit of EA benefits, and allegedly had failed to take any further appeal of the denial of SSI benefits, and as such, did not qualify for any further extension of EA benefits, was improper and must be reversed. See Initial Decision at 4; see also R-1 at Exhibits D, E, F, and N.J.A.C. 10:90-2.2(a)(3), -6.4(a), (b). I agree, and note the following. Documentation provided in this case clearly shows that, following the original August 3, 2021, denial, Petitioner requested reconsideration of that denial. See Exhibit P-3 at 2. After reconsideration was denied in July, 2022, Petitioner then requested a hearing by an Administrative Law Judge on the denial, in September, 2022. Ibid. Following a hearing, on July 21, 2023, that Administrative Law Judge issued a hearing decision, unfavorable to Petitioner. Ibid.; see also Exhibit P-1. Petitioner's counsel then requested additional time to file an appeal with the Appeals Council, and said additional time was granted. See Exhibit P-1 at 2. The documentation provided clearly shows that the appeal is now with the Appeals Council. See Exhibit P-3 at 1. This appeals process, as outlined above, is the appeal process as referenced here, on the Social Security Administration's ("SSA") website, <https://www.ssa.gov/ssi/text-appeals-ussi.htm>. The fact that this appeals process is not fully reflected in the SOLQ printout, see Exhibit R-1 at D, does not negate the fact that proper evidence pertaining to Petitioner's continuing SSI appeal, obtained from SSA sources, corroborates that Petitioner has taken a further available appeal of the original August 3, 2021, denial, and that said appeal is now with the SSA Appeals Council.

Exceptions to the Initial Decision were filed by counsel on behalf of the Agency on February 27, 2024.



As Assistant Commissioner, Division of Family Development, 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, the record also shows that Petitioner has a valid MED-1 form, and as such, she appears to be eligible for an extension of EA benefits pursuant to 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, 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 twelve (12) month MED-1 Form, and SSI benefits recipients. See Initial Decision at 2-3; see also R-1 at Exhibit C, and DFDI No. 19-02-01.

By way of further comment, I have reviewed the Exceptions, filed on behalf of the Agency, and find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. April 11, 2024

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Natasha Johnson  
Assistant Commissioner

