



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 **07364-23 M.H.**

AGENCY DKT. NO. **C158624003 (BURLINGTON COUNTY BD. 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 12-month lifetime limit of EA benefits, and had failed to apply for an extreme hardship extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for September 18, 2023, however, during the pre-hearing conference, Petitioner's phone disconnected, and Petitioner did not call back in. The hearing was then rescheduled for October 11, 2023, and the parties agreed to reschedule due to an incident at Petitioner's housing complex. The hearing was again rescheduled for November 2, 2023, and during the pre-hearing conference, the case was adjourned to allow Petitioner the opportunity to apply for an extreme hardship extension of EA benefits. On November 29, 2023, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents, and the record close on that date. The record was reopened on December 5, 2023, to allow for additional testimony. Additional documents were admitted into evidence and the record closed on that same date.

On December 8, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the ALJ found, and the record substantiates, that at the time of the effective date of the Agency's termination of Petitioner's EA benefits, August 10, 2023, Petitioner had received 15 months of EA benefits, and as such, had exhausted her 12-month lifetime limit of EA benefits. See Initial Decision at 3-5; see also Exhibits R-3, R-4, and N.J.A.C. 10:90-6.4(a). By notice dated July 10, 2023, Petitioner was advised that her EA benefits would be terminated effective August 10, 2023, unless she completed an application for an extreme hardship extension of EA benefits prior to that date. See Initial Decision at 4; see also Exhibit R-7 at 1-2, and N.J.A.C. 10:90-6.4(b). The record reflects that Petitioner had failed to apply for said extension prior to the effective date of her EA benefits termination, and accordingly, the ALJ concluded that the Agency's termination of Petitioner's



EA benefits was proper and must stand. See Initial Decision at 4 fn3, 6-7; see also Exhibit R-7, and N.J.A.C. 10:90-6.4(a). I agree.

No Exceptions to the Initial Decision were received.

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 reflects that Petitioner had untimely applied for an extension of EA benefits on August 25, 2023, which was subsequently denied. See Initial Decision at 4 fn3. Petitioner did not appeal that denial. Ibid. Petitioner is advised that she is without prejudice to reapply for an EA extreme hardship extension, should her circumstances warrant such reapplication, and if she has not already done so. See Initial Decision at 7.

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

Officially approved final version. January 31, 2024

Natasha Johnson
Assistant Commissioner

