



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 **10242-23 R.C.**

AGENCY DKT. NO. **C267275020 (UNION COUNTY DIVISION 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 he failed to report to the Agency office for a mandatory meeting. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 11, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 19, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency.

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 ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, 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.

Here, the record reflects that Petitioner denied having received the Agency's November 21, 2023, notice advising him that he must report to the Agency office on December 12, 2023, and that failure to do so would result in the termination of his EA benefits, and that as a result, Petitioner failed to appear at the office on that date, and consequently, the Agency terminated his EA benefits, effective December 31, 2023. See Initial Decision at 2-4, 6; see also Exhibit R-1 at 2-6, and N.J.A.C. 10:90-2.2(d). The ALJ found, and the record substantiates, that Petitioner had not been properly noticed of the mandatory December 12, 2023, meeting with the Agency, as said notice was devoid of any address for Petitioner, the Agency failed to provide any testimony as to how Petitioner would have received said notification,



and as such, it could not be established that Petitioner had ever received such notification. See Initial Decision at 6; see also Exhibit R-1 at 2; and N.J.A.C. 10:90-9.1. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 7; see also Exhibit R-1 at 2-6. I agree.

Additionally, the ALJ found that Petitioner has exhausted his 12-month lifetime limit of EA benefits, has completed an EASG extension of EA benefits application, although it is unclear if the Agency has the completed application, and has provided the Agency with a 12-month MED-1 form, albeit without the required box checked by Petitioner's physician regarding behavioral health/substance abuse treatment. See Initial Decision at 3-4, 6-7; see also N.J.A.C. 10:90-6.4(a). Accordingly, the ALJ remanded the matter to the Agency to reevaluate Petitioner for an EASG extension upon receipt of his completed EASG application and updated valid 12-month MED-1 form from Petitioner's physician with the required above referenced section completed. See Initial Decision at 6-7; see also N.J.S.A. 44:10-51(a)(3). I also agree.

By way of comment, Petitioner is advised that pursuant to N.J.A.C. 10:90-2.2(a)(3), as a requirement for EA benefits eligibility, he must apply for SSI benefits, if he has not already done so. The Agency should assist Petitioner with the SSI application process, should Petitioner require such assistance.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. January 31, 2024

Natasha Johnson
Assistant Commissioner

