



State of New Jersey

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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 7176-17 A.S.

AGENCY DKT. NO. C664652007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that Petitioner violated the terms of her Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 30, 2017, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the same day, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, 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 REVERSE the Agency's determination.

Here, the record reveals that Petitioner had been receiving EA benefits from October 2016 through March 2017. See Initial Decision at 2. On April 6, 2017, Petitioner applied for an extension of EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 12-18. Petitioner also signed an SP indicating she would make a certain number of housing searches and provide proof of said searches by a certain date. See Initial Decision at 2; see also Exhibit R-1 at 8-11. Petitioner did not complete the needed searches in a timely fashion, and on May 5, 2017, her application for an extension of EA benefits was denied. See Initial Decision at 3; see also Exhibit R-1 at 19-21.

At the hearing, Petitioner testified and admitted her mistake with the housing search requirements, and stated that if she were denied an extension of EA benefits, she would have nowhere to live with her young child. See Initial Decision at 2-3. As it was undisputed that Petitioner had not exhausted her lifetime limit of EA benefits, the ALJ found that Petitioner should be given an additional opportunity to receive EA benefits. See Initial Decision at 4. Based upon the facts presented, I agree.

However, while I agree with the ALJ that two months of arrears should be provided, I respectfully disagree with the ALJ concerning the directive to the Agency to provide two months of rental assistance prospectively. See Initial Decision at 4. Rather, I find that Petitioner is only eligible for prospective EA benefits so long as she continues to need EA benefits and remains eligible for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is hereby put on notice that any further SP violations may result in the termination of EA benefits and a six-month period of EA ineligibility. See N.J.A.C. 10:90-6.6(a).



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Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

JUN 05 2017

Officially approved final version.

Natasha Johnson
Director

