



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

REMAND DECISION

OAL DKT. NO. HPW 12831-19 S.R.

AGENCY DKT. NO. C115077003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of an extension of those benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"). The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of said benefits, and denied her an extension of EA benefits, contending that she did not meet the criteria for such extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 2, 2019, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 10, 2019, the ALJ issued an Initial Decision, affirming 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, AFFIRM the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner had exhausted her lifetime limit of EA benefits and applied for an extension of EA benefits pursuant to S866, also known as Emergency Assistance for Specific Groups ("EASG"). See Initial Decision at 2; see also R-1 at Exhibits 3, 4. The Agency denied Petitioner an extension of EA benefits, contending that she did not meet the criteria for an extension of EA benefit under S866, because she did not have a MED-1 form indicating a 12-month disability, and consequently terminated Petitioner's EA benefits. See Initial Decision at 2-3; see also R-1 at Exhibits 7, 8, 9, and N.J.A.C. 10:90-6.4(a), (b), (d), and S866. The ALJ found that Petitioner had received 25 months EA benefits, including two six-month extreme hardship extensions, and that she only had a six-month MED-1 form. See Initial Decision at 3-4; see also R 1 at Exhibits 3, 7. Based on the foregoing, the ALJ concluded that Petitioner had exhausted her lifetime limit of EA benefits, and did not qualify for an extension of EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.4(a), (b), (d), and S866. Therefore, the ALJ also concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6; see also R-1 at Exhibits 8, 9. I agree.



However, based on an independent review of the record, I find that Petitioner may be eligible for additional months of EA benefits in accordance with the recently promulgated State of New Jersey Senate Bill, No. S3586, P.L. 2019, c. 74, amending P.L. 1997, c. 14, effective April 30, 2019 ("S3586"), which provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." See Initial Decision at 2; see also S3586. Specifically, Petitioner applied for EA benefits on July 10, 2019, and the record reflects that some, or all, of the EA benefits received by Petitioner between April 2012, and June 2012, in accordance with S3586, shall not be counted towards her 12-month EA benefits lifetime limit. See R-1 at Exhibits 3, 4. Therefore, I am remanding the matter to the Agency to reevaluate Petitioner's eligibility for additional EA benefits pursuant to S3586. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is AFFIRMED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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