



## State of New Jersey

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*Governor*

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*Director*

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 01742-19 S.W.

AGENCY DKT. NO. C213178016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the denial of an extension of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she has exhausted the lifetime limit of said benefits, and denied Petitioner an extension of EA benefits, contending that she did not meet the eligibility criteria for an extension of said benefits, and that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 7, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 8, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has received 59 months of EA benefits, and as such, she has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(a), (b), (d). The ALJ found that Petitioner did not have a current 12-month MED-1 form. See Initial Decision at 3. The ALJ also found that Petitioner had filed a Supplemental Security Income ("SSI") benefits application on July 11, 2018, which was denied on October 12, 2018, and rather than appeal that decision, Petitioner filed a new SSI benefits application on December 19, 2018, which is still pending. See Initial Decision at 5; see also "SOLQ Response Screen." The record also reflects that Petitioner is not a WFNJ/TANF benefits recipient, as she has exhausted her lifetime limit of said benefits, and is awaiting a determination by the Agency regarding an exemption from the WFNJ/TANF benefits lifetime limit. See Initial Decision at 3; see also "Notification Form" dated February 6, 2019, and N.J.A.C. 10:90-2.3(a), -6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). Based on the foregoing, the ALJ concluded that Petitioner is not eligible for any further extensions of EA benefits. See Initial Decision at 4-5. Moreover, the ALJ further concluded that Petitioner's filing of a second SSI benefits application, rather than an appeal of the October 12, 2018, denial of her first application, was improper, and cannot serve as the basis for an extension of EA benefits pursuant to the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.9. Accordingly, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-6. I agree.

Additionally, the ALJ found that Petitioner had violated the terms of her SP by failing to pay her 30 percent portion of her monthly rent, and by failing to report income from a personal injury settlement. See Initial Decision at 2-3, 5; see also Exhibit P-1. On that basis, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner was also proper and must stand. See Initial Decision at 5; see also Exhibit R-6, and N.J.A.C. 10:90-6.6(a). I also agree.



No Exceptions to the Initial Decision were received.

As the Director of the 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, because I agree with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). Petitioner's EA ineligibility penalty shall run from January 15, 2019, the date of the Agency's denial of an extension of EA benefits, through July 14, 2019. See Exhibit R-6.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also, by way of comment, the transmittal in this matter indicates a contested issue regarding a termination of WFNJ/TANF benefits. However, that issue was not addressed in the Initial Decision, and as such, it is not addressed in this Final Agency Decision. If Petitioner still has an issue regarding a termination of WFNJ/TANF benefits, she may request another hearing on that issue alone.

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

Officially approved final version.

FEB 14 2019

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Natasha Johnson  
Director

