



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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TRENTON, NJ 08625-0716

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 **08006-22 D.N.**

AGENCY DKT. NO. **C268132009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she has exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 21, and continued on September 22, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 23, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record indicates that Petitioner has received 45 months of EA benefits, has a temporary Med-1 form (indicating a disability of "less than 11-months"), has a pending in-person exam with her psychiatrist for the required 12-month Med-1 form, has a Supplemental Security Income ("SSI") benefits appeal pending, and is imminently homeless. See Initial Decision at 2-4; see also Exhibits R-1 and R-2. Although Petitioner has exhausted her 12-month lifetime limit of EA benefits, plus all available extensions, and appears not to qualify for any further extensions of EA benefits, based on Petitioner's particular circumstances, the ALJ concluded, and I concur, that the Agency had improperly terminated Petitioner's EA benefits. See Initial Decision at 5-6; see also Exhibits R-3, N.J.A.C. 10:90-6.4(a), (b)(1), and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG") (extending EA benefits eligibility for specific categories of individuals). Accordingly, the ALJ reversed the Agency's determination. See Initial Decision at 7; see also Exhibit R-3. I agree.

Exceptions to the Initial Decision were filed by the Agency on September 26, 2022.

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, Petitioner is advised that she has 90 days from the date of the Final Agency Decision within which to provide the Agency with the 12-month Med-1 form which is one of the categories required to determine her continued eligibility for EA benefits in accordance with EASG. See Initial



Decision at 6. Petitioner is further advised that failure to provide said Med-1 form within that time frame may again result in the termination of her EA benefits. See N.J.A.C. 10:90-6.4(a), (b)(1); see also S866 and DFDI 19-02-01. In the interim, the Agency is advised to review Petitioner's continued eligibility for EA benefits based on the WFNJ recipient "chronically unemployable" category in accordance with EASG. See Initial Decision at 3, 6; see also N.J.A.C. 10:90-2.4(a)(4), and N.J.A.C. 10:90-6.4(a), (b) (1), S866 and DFDI 19-02-01. Petitioner is also advised that if she is found not to be chronically unemployable, her EA benefits may be terminated.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

September 28, 2022

Natasha Johnson

Assistant Commissioner

