



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **08524-22 F.S.**

AGENCY DKT. NO. **S482136014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of storage costs. The Agency denied Petitioner EA benefits, contending that she had exhausted her six-month limit for receipt of storage costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 25, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 4, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record indicates that Petitioner has received 12 months of EA benefits in the form of storage costs. See Initial Decision at 3; see also Exhibit R-5 at 22-23. Nevertheless, based on Petitioner's particular circumstances, I agree with the ALJ's conclusion that the Agency's termination of Petitioner's EA benefits in the form of storage costs be reversed, and that Petitioner be provided with an additional four months of storage costs, effective November 1, 2022. See Initial Decision at 2-3; see also Exhibit R-4. Accordingly, I direct the Agency to provide Petitioner with EA benefits in the form of storage costs for the months beginning November 1, 2022, through February 1, 2023. See Initial Decision 3-4; see also N.J.A.C. 10:90-6.3(a)(4)(iv) (allowing up to six months of storage cost payments, with additional months permitted with Division of Family Development ("DFD") approval). This will provide time for Petitioner's Supplemental Security Income ("SSI") claim to be decided, which, if approved, would allow her to pay her own storage costs going forward. See Initial Decision at 2, 4.

Exceptions to the Initial Decision were filed by the Agency on November 7, 2022.

As Assistant Commissioner, DFD, 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, although not a transmitted issue, at the time of the hearing, the Agency asserted that Petitioner had exhausted her 12-month lifetime limit of EA benefits, and on that basis, was also ineligible for additional EA benefits in the form of storage costs. See Initial Decision 3-4; see also Exhibit R-5 at 22-23, and N.J.A.C. 10:90-6.4(a). However, I find that, as Petitioner has an SSI application



pending, and is receiving the WFNJ/GA unemployable benefits rate, she would be eligible for an extreme hardship extension of EA benefits, up to six months. See Initial Decision at 3-4; see also Exhibit R-5 at 22-23, and N.J.A.C. 10:90-6.4(b)(2), and DFD Instruction No. 19-21.

By way of further comment, Petitioner is advised that her last storage payment will be in February 2023, and she is therefore advised to plan accordingly.

Also by way of comment, I have reviewed the Agency's Exceptions, and 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.

November 30, 2022

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Natasha Johnson

Assistant Commissioner

