



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
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

AMENDED DECISION

OAL DKT. NO. HPW 12836-15 R.G.

AGENCY DKT. NO. C218454 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

On September 8, 2015, a Final Agency Decision ("FAD") was issued in this matter. This office was advised after the issuance of the FAD, that Exceptions had been submitted by counsel to Petitioner on September 4, 2015. This Amended Decision is issued to reflect the timely submission of those Exceptions and the consideration of same.

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA because it contended he had exhausted his lifetime limit and all available extensions. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 27, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Counsel, on behalf of Petitioner, filed Exceptions to the Initial Decision on September 4, 2015. However, this office was advised on September 15, 2015, that an FAD in this matter had issued without consideration of those Exceptions. This office was unable to locate same, and as such, this office will treat those Exceptions as timely filed.

On August 28, 2015, the ALJ issued his Initial Decision affirming the Agency determination. Petitioner is a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient who first received 18 months of EA while he was a Work First New Jersey/General Assistance ("WFNJ/GA") recipient. Petitioner then received six months of EA as a WFNJ/TANF recipient. Thus, the Petitioner has received a total of 24 months of EA. See Initial Decision at 2.

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At the hearing, Petitioner claimed that he is eligible for an additional six months of EA under WFNJ/TANF since he had only exhausted six months of benefits as a recipient under that program. Id. at 3. The ALJ concluded that Petitioner was incorrect in his assertion, finding that the language of N.J.A.C. 10:90-6.4 contemplates no more than 12 additional months via an extreme hardship extension of EA, in addition to the 12 month lifetime limit. Id. at 3. Therefore, the ALJ found Petitioner had exhausted his lifetime limit and all available extensions and his EA benefits were properly terminated. I agree.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, following an independent evaluation of the record, I hereby adopt the ALJ's Findings of Fact and Conclusions of Law in this matter.

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

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

SEP 17 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director