



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

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

FINAL DECISION

OAL DKT. NO. HPW 13047-18 C.L.

AGENCY DKT. NO. C325912007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that Petitioner 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 13, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 17, 2018.

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, and REVERSE the Agency's determination, based on the discussion below.

Here, the ALJ found that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, has received 23 months of EA benefits, and therefore, that she had not exhausted her EA benefits, and reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 3, 5; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-6.4(a), (b), (d). However, based on an independent review of the record, it is clear that Petitioner has indeed received 24 months of EA benefits, and as such, I find that she has exhausted her lifetime limit of EA benefits, and that the Agency's termination of Petitioner's EA benefits was proper. See Exhibits R-1, R-3; see also N.J.A.C. 10:90-6.4(a), (b), (d). However, based on Petitioner's particular circumstances in this case, specifically, the fact that she is now employed and will soon have a roommate assisting with payment of a portion of the rent, I direct the Agency to provide Petitioner with EA benefits in the amount of \$2,950 for back rent and \$500 for back utilities, only, in order to facilitate Petitioner's move to self-sufficiency. See Initial Decision at 2-4; see also Exhibits P-1, P-2, and P-3. The Initial Decision is modified to reflect this finding.

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. Moreover, the Agency is reminded of the fact that evidence not



presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

SEP 19 2018

Natasha Johnson

Director

