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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 15637-17 J.T.

AGENCY DKT. NO. C139339003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of EA benefits, and did not meet the eligibility requirements for an extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 17, 2018, but was adjourned to allow Petitioner the opportunity to obtain a MED-1 form for her son. On January 24, 2018, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner is a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient who had received 14 months of EA benefits as of September 2017, and as such, by notice dated September 29, 2017, the Agency terminated Petitioner's EA benefits, effective October 10, 2017, because Petitioner had exhausted her lifetime limit of EA benefits, and did not meet the criteria for an extreme hardship extension. See Initial Decision at 2-3; see also Exhibit R-1 at 5-7, and 8-11; see also N.J.A.C. 10:90-6.4(a), (b). I note that Petitioner has been receiving continued assistance of EA benefits pending the outcome of this hearing. The record also indicates that Petitioner does not have a Supplemental Security Income ("SSI") application pending or a 12-month MED-1 form, nor does anyone else in the assistance unit. See Initial Decision at 2, 5. The ALJ found, and the record substantiates, that Petitioner has exhausted her lifetime limit of EA benefits, that she has not demonstrated that she meets the criteria for an extreme hardship extension, and that there is no regulatory authority by which the Agency may grant Petitioner additional EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.4(a), (b)(1), (2). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 5; see also Exhibit R-1 at 5-7, and N.J.A.C. 10:90-6.4(a), (b), (d). I 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, 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.



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

Officially approved final version.

MAR 13 2018

Natasha Johnson

Director

