



State of New Jersey

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

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 08808-18 S.F.

AGENCY DKT. NO. C612505007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the resultant termination of her EA benefits. The Agency denied Petitioner an extension of EA benefits contending that she did not qualify for a Family Violence Option Initiative ("FVO") waiver of EA benefits time limits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 22, 2018, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until June 25, 2018, at which time record closed.

On June 25, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 27 months of EA benefits. See Initial Decision at 3; see also Exhibit R-5. As such, Petitioner has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions. See Exhibit R-4; see also N.J.A.C. 10:90-6.4(a), (b), (d). Petitioner applied for an extension of EA benefits claiming domestic violence. See Initial Decision at 2-3; see also Exhibits P-2 and R-1. Based on a Family Violence Risk Assessment, which assessed Petitioner as a "low safety risk" for domestic violence, the Agency denied Petitioner an extension of EA benefits. See Initial Decision at 4; see also Exhibit R-7 at 2. However, the ALJ found, and the record substantiates, that Petitioner continues to be at risk for domestic violence, as her ex-husband continues to harass her, and he lives in close proximity to Petitioner. See Initial Decision at 2-4; see also Exhibit P-5. Moreover, the record reflects that Petitioner continues to suffer from the effects of her past abuse, and is currently participating in domestic violence counseling services. See Initial Decision at 3; see also Exhibits P-4 through P-7. Based on the foregoing, the ALJ concluded that Petitioner is eligible for up to six months of additional EA benefits; and that the Agency's denial of an extension of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.4(f). 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, because the record reflects that Petitioner continues to suffer from the effects of domestic violence, the Agency is directed to refer Petitioner for a Behavioral Health Initiative ("BHI") assessment, if it has not done so already. See Exhibit R-7 at 2.



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

Officially approved final version.

JUL 03 2018

Natasha Johnson
Director

