



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05994-18 S.P.

AGENCY DKT. NO. C028110018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her cumulative lifetime limit of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2018, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. First, the record indicates that the Agency has lifted the sanction against Petitioner's WFNJ/TANF benefits, and as such, the matter regarding a sanction of Petitioner's WFNJ/TANF benefits was not addressed at the hearing. See Initial Decision at 2. Therefore, the remaining issue pertains to the Agency's termination of Petitioner's EA benefits due to exhaustion of the lifetime limit for receipt of said benefits. *Ibid.* The record reflects that Petitioner had received 40 months of EA benefits in Union County, and six months of EA benefits in Somerset County, and as such, Petitioner has exhausted her lifetime limit of EA benefits, plus all applicable extensions. See Initial Decision at 2, 4-5; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.4(a), (b), (d). Although Petitioner testified that she was the victim of identity theft and believed that she had not utilized all of those months of EA benefits in Union County, she did not provide any evidence to substantiate that claim, and the ALJ found that the Agency provided documentation demonstrating that Petitioner was the person who had applied for, and received, the number of EA benefits in Union County as claimed. See Initial Decision at 2-4; see also Exhibit R-4. Moreover, during the hearing, Petitioner acknowledged that she had received 46 months of cumulative EA benefits. See Initial Decision at 4. Based on the foregoing, the ALJ found that Petitioner has exhausted her lifetime limit of EA benefits. See Initial Decision at 4-5. Further, the ALJ found that Petitioner did not appear to be eligible for an extension of EA benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/ Disability Insurance Eligibility ("PHASE") Pilot Program because she is not disabled, and does not have a Supplemental Security Income benefits application approval, or appeal, pending. *Id.* at 5; see also N.J.A.C. 10:90-6.9. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 5-6; see also N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. 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 Conclusions of Law.



By way of comment, as it appears from the record that Petitioner has been the victim of past domestic violence, the Agency should refer Petitioner for a Family Violence Option Initiative risk assessment, if appropriate, and if it has not done so already, in accordance with N.J.A.C. 10:90-20.1, et seq. See Initial Decision at 3; see also Exhibit R-5.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current housing 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.

SEP 11 2010

Natasha Johnson
Director

