



State of New Jersey

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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 08216-21 L.C.

AGENCY DKT. NO. C405152007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had exhausted her 12-month lifetime limit of EA benefits, plus two extreme hardship extensions, and did not qualify for any further EA benefits extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 6, 2021, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 6, 2021, the ALJ issued an Initial Decision, affirming in part the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM in part the Agency's determination.

The State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"), extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 19-02-01.

Here, the ALJ found, and the record substantiates, that Petitioner has received 24 months of EA benefits, including two six-month extreme hardship extensions, and that she does not qualify for an EASG extension of EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 5, 9-15, 33, 50. Petitioner did not dispute that she had received 24 months of EA benefits, or that she did not qualify for an EASG extension of EA benefits. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibit R-1 at 1-4; see also N.J.A.C. 10:90-6.4(a), (b), and DFDI 19-02-01. However, due to Petitioner's particular circumstances, the ALJ reversed the Agency's determination in part, concluding that Petitioner should be provided with an additional month of EA benefits to help facilitate her efforts



in locating alternative housing, and accordingly, ordered the Agency to provide Petitioner with one additional month of EA benefits. See Initial Decision at 2-3. I agree.

By way of comment, after Petitioner has received the one-month of additional EA benefits, as ordered by the ALJ, and her EA benefits cease, she may not request a fair hearing on the cessation of those EA benefits.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

OCT 14 2021

