



State of New Jersey

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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 08056-18 C.M.

AGENCY DKT. NO. C386405007 (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 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 June 8, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 ADOPT the Initial Decision, and AFFIRM the Agency's determination.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner, an employable WFNJ/TANF benefits recipient, had received 26 months of EA benefits through December 2012. See Initial Decision at 2; see also Exhibit R-2. Based upon the testimony and documents admitted into evidence, the ALJ concluded that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extensions, and that there is no regulatory authority by which the Agency may grant Petitioner additional EA benefits. See Initial Decision at 2-4, see also N.J.A.C. 10:90-6.4(a), (b), (d). Accordingly, the ALJ also concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. I agree.



By way of comment, the transmittal in this matter indicates two additional contested issues regarding a reduction of WFNJ/TANF benefits, and a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits, which were not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a reduction of WFNJ/TANF benefits and/or a reduction of SNAP benefits, she may request another fair hearing on those issues alone.

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

Officially approved final version. JUN 20 2010

Natasha Johnson
Director

