



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 11730-18 P.G.

AGENCY DKT. NO. C316093007 (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 lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a WFNJ/TANF benefits recipient, had received 32 months of EA benefits as of October 2011, and as such, she has exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(a), (b), (d). The record indicates that, Petitioner is not a Supplemental Security Income ("SSI") benefits recipient, she does not have an SSI application pending approval or appeal, and she does not have a 12-month MED-1 form. See Initial Decision at 2-3; see also Exhibit R-4. Based on the foregoing, the ALJ found that Petitioner has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions, and that she does not qualify for an extension of EA benefits under the Intensive Case Management ("ICM") program or the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9, and Division of Family Development ("DFD") Instruction 17-01-01. Therefore, there exists no regulatory authority by which the Agency may grant Petitioner additional EA benefits. Accordingly, the ALJ 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.

No Exceptions to the Initial Decision were received.

As the Director of the DFD, 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.

AUG 27 2018

Natasha Johnson

Director

