



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 06286-19 G.F.

AGENCY DKT. NO. C087647011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request for an extension of EA benefits, contending that she had 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. A hearing was initially scheduled for May 14, 2019, but was adjourned. On May 17, 2019, the Honorable Jeffrey N. Rabin, 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.

Exceptions to the Initial Decision were filed by Petitioner on May 21, 2019.

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 ALJ's 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), (b). A WFNJ/ Temporary Assistance for Needy Families ("TANF") benefits 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), (2). 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.

Based on an independent review of the record, I find that Petitioner had received 34 months of EA benefits as of March 2019, and as such, she has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions. See Exhibits R-2, R-4; see also N.J.A.C. 10:90-6.4(a), (b), (d).

Of note, 25 out of the 34 months of EA benefits received by Petitioner were provided to her while she resided in another county with her husband. See Exhibits R-3, R-4. The record also reflects that Petitioner does not have a 12-month MED-1 form, and therefore, she does not qualify her for an extension of EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"). See Initial Decision at 2; see also Exhibits R-5, R-6. Based on the foregoing, I find that Petitioner is ineligible for EA benefits, and concur



with the ALJ's affirmation of the Agency's denial of an extension of EA benefits to Petitioner. See Initial Decision at 4-5; see also Exhibits R-1, R-7, and N.J.A.C. 10:90-6.4(a), (b), (d), and S866.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, contrary to the assertions made in Petitioner's Exceptions, EA benefits received while she was under the threat of domestic violence do, in fact, count toward her lifetime limit of EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (d).

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

Officially approved final version.

MAY 24 2019

Natasha Johnson
Director

