



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 11662-19 J.R.

AGENCY DKT. NO. C659915007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits and the consequent termination of those benefits. The Agency denied Petitioner an extension of EA benefits, and terminated said benefits, contending that Petitioner failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 27, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 27, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has a 12-month MED-1 form, and is also the sole caretaker of her disabled minor son. See Initial Decision at 2. Petitioner applied 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"), which extends EA benefits eligibility for certain categories of individuals. *Ibid.*; see also Exhibit R-1 at 23. The Agency denied Petitioner an S866 extension, contending that she failed to provide proof of required housing searches and subsidized housing applications, as required pursuant to her EA service plan ("SP"). *Id.* at 2-3; see also Exhibit R-1 at 9-12, 24-27, and N.J.A.C. 10:90-2.2(a)(5), -6.6(a). It appears from the record that Petitioner is currently two months behind in her rent, and is facing eviction. See Initial Decision at 3; see also Exhibit P-2. The ALJ found, and the record substantiates, that Petitioner had provided the required searches and applications to the Agency. See Initial Decision at 2-3; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that Petitioner is eligible for an extension of EA benefits, reversed the Agency's determination, and ordered the Agency to provide Petitioner with back rent for July and August, 2019. See Initial Decision at 3; see also Exhibit R-1 at 9-12, and N.J.A.C. 10:90-1.6, -2.2(a)(5). I agree, and also find that Petitioner is eligible for prospective EA benefits, provided she continues to remain eligible for same. See N.J.A.C. 10:90-6.1, *et seq.*

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 Conclusion of Law.



By way of comment, Petitioner is advised that she must continue to comply with the terms of her SP and that failure to do so may result in the termination of her EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 24-27, and N.J.A.C. 10:90-6.6(a).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

AUG 30 2019

Natasha Johnson

Director

