



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 **06044-19 M.M.**

AGENCY DKT. NO. **C257773007 (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 his EA benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his lifetime limit of EA benefits, and did not qualify for an extension of said benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. 866, P.L. 2018, c. 164, effective December 20, 2018 (hereinafter "S866"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 22, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 23, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 29 months of EA benefits, and as such, he has exhausted his lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-6.4(a), (b), (c). The record also reflects that Petitioner has received 42 months of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. See Initial Decision at 2; see also Exhibits R-4, R-5. Petitioner applied for an extension of EA benefits pursuant to S866. See Exhibit R-2. The Agency denied Petitioner an S866 extension, contending that he was not "chronically unemployable," and did not meet any other regulatory criteria for such extension. See Initial Decision at 2-3; see also Exhibit R-2, and S866. Consequently, the Agency terminated Petitioner's EA benefits due to exhaustion of the EA benefits time limit. See Exhibit R-1. However, based on Petitioner's lengthy record of incarceration, his limited and inconsistent employment history, his lack of job skills, and his 5th grade reading level, the ALJ found that Petitioner meets the "chronically unemployable" criteria required for an extension of EA benefits pursuant to S866. See Initial Decision at 3-6; see also Exhibits P-1, P-2, P-3, N.J.A.C. 10:90-2.4(a)(4)(ii) and S866. Moreover, the record is devoid of any testimony or documentation submitted by the Agency to substantiate its claim that Petitioner is not "chronically unemployable." Particularly, the Agency had not submitted into evidence the required WFNJ 135A form. See Initial Decision at 2-3; see also Exhibit R-3 at 2. Based on the foregoing, the ALJ concluded that Petitioner is "chronically unemployable," and as such, he is eligible for an extension of EA benefits. See Initial Decision at 6. Accordingly, the ALJ reversed the Agency's termination of Petitioner's EA benefits. *Ibid.*; see also Exhibit R-1. I agree.



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.

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

Officially approved final version.

Natasha Johnson

Director

JUN 25 2019

