



State of New Jersey

PHILIP D. MURPHY
Governor

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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TRENTON, NJ 08625-0716

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 1853-19 M.P.

AGENCY DKT. NO. C189382009 (HUDSON COUNTY DEPT OF FAM SVCS)

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 and did not qualify for an extension of said benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. 866 ("S866"), effective December 20, 2018. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 7, 2019, but was adjourned at the request of Petitioner, due to a conflicting court hearing. On February 8, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner to obtain documentation from her landlord, and then closed on February 11, 2019.

On February 11, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families recipient, has received 29 months of EA benefits, and as such, she has exhausted her 12-month lifetime limit of EA benefits, plus two six-month EA extreme hardship extensions. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (d). On February 4, 2019, Petitioner applied for an extension of EA benefits and the record reflects that she had a MED-1 form indicating a 12-month disability and a Supplemental Security Income benefits application pending. See Initial Decision at 3-4; see also Exhibits R-6, R-10. Nevertheless, on February 4, 2019, the Agency denied Petitioner an extension of EA benefits contending that the 12-month MED-1 form provided by her physician, dated January 31, 2019, did not indicate a permanent disability such that Petitioner would be eligible for an extension of EA benefits in accordance with S866. See Initial Decision at 3; see also Exhibits R-10, R-11. The ALJ found that the Agency worker who had determined that Petitioner was not disabled did not appear at the hearing, and that the testimony by the Agency representative, who had appeared regarding same, was inadmissible hearsay. See Initial Decision at 3-4. Based on the testimony and evidence presented, the ALJ found Petitioner's MED-1 form valid, and that she is eligible for an extension of EA benefits in accordance with S866. *Id.* at 4-5. Moreover, based on the particular circumstances of this case, specifically, the delay in the Agency's determination of Petitioner's EA extension application, the ALJ found Petitioner eligible for more than the three-month back rent limit of EA benefits. *Id.* at 5; see also Exhibits R-7, R-9, and N.J.A.C. 10:90-6.3(a)(5). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-11. I agree, and I hereby direct the Agency to provide Petitioner with EA benefits in an amount required to bring her rent current, as well as prospective EA benefits, so long as Petitioner remains eligible for same. See N.J.A.C. 10:90-6.1 *et seq.*

No Exceptions to the Initial Decision were received.



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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 REVERSED.

Officially approved final version.

FEB 20 2019

Natasha Johnson

Director

