



State of New Jersey

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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 **04261-19 R.M.**

AGENCY DKT. NO. **C081400018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his 12-month lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 16, 2019, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 9, 2019, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determination, and remanding the matter to the Agency to determine Petitioner's eligibility for an extension of EA benefits.

Exceptions to the Initial Decision were filed by the Agency on May 18, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

Here, the ALJ found that, as of March 20, 2019, Petitioner had received 13 months of EA benefits, including temporary rental assistance and past due utility payments. See Initial Decision at 5-6; see also Exhibit R-1 at 5-22, 25-27. Accordingly, the ALJ concluded that Petitioner had exhausted his lifetime limit of EA benefits. See Initial Decision at 6, 8; see also N.J.A.C. 10:90-6.4(a). However, the ALJ found that no evidence had been presented at the hearing regarding Petitioner's eligibility for an extension of EA benefits, and furthermore, as another fair hearing, docketed at OAL Dkt. No. HPW 05926-19, regarding Petitioner's eligibility for an extreme hardship extension of EA benefits, was still pending, any action terminating Petitioner's EA benefits must be held in abeyance until a Final Agency Decision ("FAD") had been issued in that other matter. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.4(b). Additionally, the ALJ opined that the Agency must also evaluate Petitioner's eligibility 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. See Initial Decision at 6-7. Based on the foregoing, the ALJ affirmed the Agency's determination that Petitioner had exhausted his lifetime limit of EA benefits, reversed the



Agency's termination of Petitioner's EA benefits, and remanded the matter to the Agency to evaluate Petitioner's eligibility for an extension of EA benefits in accordance with S866. Id. at 8-9; see also Exhibit R-1 at 2-4.

At the time of the writing of this FAD, an Initial Decision ("ID") in OAL Dkt. No. HPW 05926-19 has been issued, and an FAD for which will be issued concurrently with the FAD in the present matter. In the interest of judicial economy and consistency, I take official notice of the ALJ's conclusion in that ID as it pertains to Petitioner's eligibility for an extreme hardship extension of EA benefits. See N.J.A.C. 1:1-15.2(a); see also N.J.R.E. 201(b)(4). In that ID, the ALJ found that Petitioner did not meet the criteria for an extreme hardship extension of EA benefits, pursuant to N.J.A.C. 10:90-6.4(a), (b). See OAL Dkt. No. HPW 05926-19 at 7. I agree. Additionally, the ALJ in that matter found that no one in Petitioner's assistance unit had a 12-month MED-1 form. Id. at 3. I further take official notice of that fact, and as such, I find that Petitioner does not meet any of the criteria for an extension of EA benefits pursuant to S866. Therefore, based on the foregoing, I find that a remand to the Agency for reevaluation under S866 is unnecessary, and that the Agency's termination of Petitioner's EA benefits, in the present matter, was proper and must stand. See Exhibit R-1 at 2-4. The Initial Decision is modified to reflect these findings.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

JUN 27 2019

Natasha Johnson
Director

