



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 09159-19 J.W.

AGENCY DKT. NO. C085723012 (MIDDLESEX COUNTY BD. 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 she had failed to comply with her EA service plan ("SP"), and that she had exhausted her lifetime limit of EA benefits and did not qualify for an extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for July 30, 2019, but was adjourned. The case was then rescheduled for September 6, 2019, but was again adjourned by consent of both parties. On October 22, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow for submissions by the parties, and then closed on November 14, 2019. On December 3, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 10, 2019, and Amended Exceptions were filed by the Agency on December 11, 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, based on the discussion below.

Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to participate in a mental health evaluation/program as a condition for receipt of EA benefits. See Initial Decision at 3; see also Exhibit R-B. The Agency determined that Petitioner had failed to participate in a mental health evaluation, in violation of the terms of her SP, and as such, terminated her EA benefits. See Initial Decision at 4; see also Exhibit R-M, and N.J.A.C. 10:90-6.6(a). Based on the testimony and evidence presented, the ALJ found that the Agency had properly required Petitioner to participate in a mental health program as set forth in her SP, but that she had good cause for failing to participate in a required mental health evaluation because the Agency had failed to schedule an appointment(s) for Petitioner to attend any such evaluation. See Initial Decision at 5-7, 9; see also Exhibits R-E through R-K, and N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on the basis that she failed to comply with



her SP, was improper and must be reversed. See Initial Decision at 10-11; see also Exhibit R-M, and N.J.A.C. 10:90-6.6(a). I agree.

However, the revised transmittal in this matter indicates that Petitioner also appealed a termination of her EA benefits on the basis that she had exhausted her lifetime limit of EA benefits, and did not qualify for extension of those benefits. See Initial Decision at 4-5; see also Exhibit R-Y, and N.J.A.C. 10:90-6.4(a), (b), (c). Said termination was not addressed by the ALJ in the Initial Decision, however, based on an independent review of the record, I find that Petitioner has received 18 months of EA benefits, and as such, has exhausted her 12-month lifetime limit of EA benefits, plus one six-month extreme hardship extension. See Initial Decision at 4; see also Exhibits R-Y2 through R-Y4, and N.J.A.C. 10:90-6.4(a), (b), (c). Further, based on the record provided, I find that Petitioner does not qualify for any available extension of EA benefits. See Exhibits R-U, R-V; see also N.J.A.C. 10:90-6.4(a), (b), (c), and 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). Based on the foregoing, I find that that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-Y, R-Z. The Initial Decision is modified to reflect this finding.

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

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Also, by way of comment, only one adjournment of a scheduled hearing is permitted in DFD fair hearings, for a period of no more than 30 days. See N.J.A.C. 1:10-9.1(b).

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

JAN 14 2019

