



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

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 08597-20 M.J.

AGENCY DKT. NO. C172122009 (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 those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 25, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had received over 24 months of EA benefits, and as such, had exhausted her lifetime limit of EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a). The ALJ also found that Petitioner did not qualify for an extension of EA benefits. See Initial Decision at 4, 6; see also N.J.A.C. 10:90-6.4(b), (c), and State of New Jersey Senate Bill, No. S3586, P.L. 2019, c. 74, amending P.L. 1997, c. 14, effective April 30, 2019 ("S3586"), which provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance;" 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, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-1. I agree.

Further, the ALJ found that Petitioner was ineligible for EA benefits because, as an undocumented alien, she was ineligible for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") or Supplemental Security Income ("SSI") benefits, which receipt of one or the other is required for EA benefits eligibility. See Initial Decision 2; see also N.J.A.C. 10:90-6.2(a). Moreover, the ALJ found that Petitioner was not homeless or functionally homeless, and as such, was not eligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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, while I agree with the ALJ's finding that Petitioner is ineligible for WFNJ/TANF benefits due to her undocumented alien status, I find that Petitioner's children may be eligible for said benefits. See N.J.A.C. 10:90-2.7(a)(1)(v). Therefore, Petitioner may apply for WFNJ/TANF benefits on behalf of her children, if she has not done so already.

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

Officially approved final version.

OCT - 6 2020

Natasha Johnson

Assistant Commissioner

