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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

REMAND DECISION

OAL DKT. NO. HPW 18100-19 T.B.

AGENCY DKT. NO. C315476007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on August 1, 2019, and completed on September 9, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed on January 16, 2020. On February 11, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, had received 43 months of EA benefits, and as such she had exhausted her lifetime limit of EA benefits plus all available extensions. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(a), (b), (d). However, the ALJ found Petitioner credible when she testified that she was a victim of domestic violence ("DV"), and as such, concluded that she was eligible for an extension of EA benefits in accordance with regulatory authority set forth at N.J.A.C. 10:90-6.4(f). See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that that Agency's termination of Petitioner's EA benefits was improper and must be reversed. Id. at 4; see also Exhibits R-1, R-2. I agree, and find that Petitioner is eligible for up to six months of EA benefits provided she continues to remain eligible for same. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(f). However, I do not agree with the ALJ's finding that Petitioner qualifies for further EA benefits due to a hardship, as Petitioner has already received the permissible extreme hardship extensions pursuant to N.J.A.C. 10:90-6.4(b), (d). See Initial Decision at 3-4. The Initial Decision is modified to reflect this finding, as well as to correct typographical errors in the citation of applicable law. Id. at 4.



Additionally, it is unclear from the record whether or not Petitioner has been referred for a Family Violence Option Initiative ("FVO") assessment. Therefore, this matter is remanded to the Agency, which shall refer Petitioner for an FVO assessment, if it has not done so already. See N.J.A.C. 10:90-20.1 et seq. Petitioner is advised that she may be eligible for a waiver of the EA benefits time-limit requirements, dependent upon the outcome of her FVO assessment. Ibid.

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

Officially approved final version.

APR - 2 2020

Natasha Johnson

Assistant Commissioner

