



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 16775-19 T.M.

AGENCY DKT. NO. S620560012 (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 exhausted her lifetime limit of EA benefits, failed to provide information required to determine her eligibility for an extension of EA benefits, and failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 7, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had received 15 months of EA benefits as of December 2019, plus continued assistance pending the outcome of the fair hearing, and as such, she had exhausted her 12-month lifetime limit of EA benefits, plus one six-month extreme hardship extension. See Initial Decision at 2; see also Exhibit R-1 at R, S, and N.J.A.C. 10:90-6.4(a), (b), (c). On November 8, 2019, Petitioner applied 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, also known as Emergency Assistance for Specific Groups ("EASG"). See Initial Decision at 2; see also Exhibit R-1 at F, J, and Division of Family Development Instruction ("DFDI") No. 19-02-01. Also on November 8, 2019, Petitioner executed an SP, as well as an EA Verification List, wherein she agreed to provide a completed 12-month MED-1 form to the Agency by November 25, 2019. See Initial Decision at 3; see also Exhibit R-1 at G, I. Petitioner failed to provide the MED-1 form, and consequently, the Agency denied Petitioner an extension of EA benefits and terminated her EA benefits effective December 7, 2019, because she had exhausted her lifetime limit of EA benefits and had failed to comply with her SP. See Initial Decision at 3; see also Exhibit R-1 at N, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.6(a). The ALJ found that by failing to provide the MED-1 form, Petitioner had violated her SP. See Initial Decision at 4; see also Exhibit R-1 at N, and N.J.A.C. 10:90-2.2(a)(5), -6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Ibid.* I agree. Of note, based on Petitioner's particular circumstances, the Agency did not impose a six-month period of ineligibility for EA benefits upon Petitioner. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). I also 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, Petitioner is without prejudice to reapply for EA benefits in accordance with S866. However, any reapplication for EA benefits must be accompanied by a valid MED-1 form and any other documentation requested by the Agency, as Petitioner has already exhausted her 12-month lifetime limit of EA benefits. See S866.

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

Officially approved final version.

MAR 13 2020

Natasha Johnson

Assistant Commissioner

