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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

FINAL DECISION

OAL DKT. NO. HPW 02223-25 C.S.

AGENCY DKT. NO. C179646003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that he had violated the terms of his EA service plan ("SP") by failing to provide required documentation and by violating motel/shelter rules. Further, the Agency denied a second hardship extension of EA benefits, contending that he had exhausted his 12-month lifetime limit of EA benefits, as well as one six-month hardship extension, and did not qualify for an additional extreme hardship extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for February 6, 2025, when Petitioner requested a postponement due to a doctor's appointment where he planned to obtain a completed MED-1 form. The hearing was rescheduled for February 13, 2025; however, Petitioner requested a further postponement. On March 5, 2025, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held upon until March 6, 2025, for submissions by the Agency, after which the record was closed. On March 25, 2025, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determinations.

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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM in part, and REVERSE in part, based on the discussion below.

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as Emergency Assistance for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 25-02-01.



Here, the ALJ found that Petitioner had received nineteen months of EA benefits from February, 2023 through August, 2024, including a hardship extension which began February 14, 2024. See Initial Decision at 3; see also Exhibit R-1 at 1-2. On February 14, 2024, Petitioner signed an EA service plan ("SP"), wherein he agreed, among other things, to submit monthly housing search logs to the Agency. Ibid. On December 6, 2024, Petitioner again applied for an EA hardship extension. Ibid. Further, he signed an EA Rules and Regulations Placement Form, wherein he acknowledged he would comply with all shelter and motel rules, as well as submit his monthly housing search logs to the Agency. Ibid.; see also Exhibit R-1 at 3,6. The Agency also issued an EA Document Request form, requiring Petitioner to submit a valid MED-1 form, as well as ten months of housing logs which should have been submitted from March, 2024 to December, 2024. See Initial Decision at 3; see also Exhibit R-1 at 7. In December 2024, Petitioner was placed on an immediate need basis at a motel, and on January 3, 2025, the Agency arranged to move Petitioner to a different motel. See Initial Decision at 3; see also Exhibit R-1 at 9, 12-13. At that time, Petitioner did not relocate to the second motel. Ibid. On January 2, 2025, the Agency denied Petitioner's EA hardship application alleging that he failed to provide his housing search logs, failed to abide by shelter rules, and had exhausted the lifetime EA eligibility period. See Initial Decision at 3-4; see also Exhibit R-1 at 15. At the time of the hearing, Petitioner did present a MED-1 form, dated February 11, 2025, which stated Petitioner was unemployable for several weeks. See Initial Decision at 4; see also Exhibit R-2.

As to the monthly submission of the housing search logs, the ALJ found that Petitioner did not supply the Agency with housing contacts from March 2024 through December 2024, in violation of his SP. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a)(1). The ALJ found that requesting proof of ten months of housing contacts from a prior period where Petitioner received EA benefits, was a matter of proving prior noncompliance, which served to be punitive, rather than resolving the circumstances contributing to Petitioner's emergent situation. See Initial Decision at 5. Accordingly, the ALJ concluded that Petitioner should not be denied future EA benefits based upon his failure to submit housing contacts during a prior period of receipt of EA benefits. Ibid. I agree.

The ALJ also found that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner had violated motel/shelter rules. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(c), (e). Specifically, the ALJ found that no one from the motel, nor anyone from the Agency with direct knowledge of the alleged violations, were present at the hearing to attest to the truth of the motel rule violation claims. See Initial Decision at 7; see also N.J.A.C. 1:1-15.5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits on that basis was improper and must be reversed. See Initial Decision at 7. I also agree.

As to Petitioner exceeding his lifetime limit for EA benefits, the ALJ found that Petitioner had received 19 months of EA benefits, and as such, had exhausted his 12-month lifetime limit of EA benefits. See Initial Decision at 3, 7. Petitioner further applied for, and received, 6 additional months of EA benefits under an initial hardship application. Ibid.; see also N.J.A.C. 10:90-6.4(a), (b). When Petitioner applied for an additional 6 months of EA benefits, he did not provide the Agency with a MED-1 form indicating a 12-month disability, which would be required in this case for an extension of EA benefits. Ibid. Further, at the time of the hearing, the MED-1 presented indicated that Petitioner did not have a 12-month disability. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand, specifically as Petitioner had applied for an EASG extension of EA benefits, and was denied said extension for failure to provide the Agency with a 12-month MED-1 form, a requirement in this case for EASG eligibility. See Initial Decision at 7; see also Exhibit R-1 and N.J.S.A. 44:10-51(a)(3). I also agree.

By way of comment, should Petitioner's circumstances change, and he is able to present at 12-month MED-1 to the Agency, he is without prejudice to reapply for EA benefits.

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

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. April 25, 2025

Natasha Johnson
Assistant Commissioner

