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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

AMENDED DECISION

OAL DKT. NO. HPW **06122-25 S.M.**

AGENCY DKT. NO. **S489329014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

A Final Agency Decision ("FAD") was issued in this matter on April 22, 2025. This Amended FAD is being issued to recognize receipt of Exceptions filed by the Agency, and received by this office after issuance of the FAD in this case.

Petitioners, S.M. and R.L., appeal from the Respondent Agency's denial of a hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioners' extension of EA benefits, contending that Petitioners have exhausted their 12-month lifetime limit for EA benefits, and did not meet the criteria for a hardship extension of additional EA benefits. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 15, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 16, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Petitioners, S.M., and her fiancé, R.L., are both Work First New Jersey/General Assistance ("WFNJ/GA") recipients. See Initial Decision at 2. On February 21, 2024, R.L. was approved for EA benefits and he and S.M. were placed, together, in a motel. *Ibid.*; see also Exhibit R-3. During the time he was receiving EA benefits, R.L. was provided a MED-1 form from the Agency, which was completed and submitted to the Agency by his physician on August 9, 2024, stating that Petitioner was temporarily disabled until August 9, 2025. See Initial Decision at 2-3; see also Exhibit R-5.

On January 31, 2025, the Agency sent a Notification Form to Petitioners indicating that, effective March 3, 2025, their EA benefits would be terminated. See Initial Decision at 3-4; see also Exhibit R-2. Petitioners were informed by the Agency that they had exhausted the 12-month lifetime limit for EA benefits, and that R.L.'s application for an EA hardship extension had been denied. *Ibid.* On February 25, 2025, Petitioners met with an Agency representative to apply for an EA extension and R.L. signed a WFNJ-76A EA Hardship Extension Application Form, however, R.L. did not check any box on the form, nor explain the reason for the extension being requested. See Initial Decision at 5; see also Exhibit R-4. R.L. did inform the Agency at that time that he was bedridden due to a medical condition, that his fiancé, S.M., was acting as his caregiver, and that he had applied for Supplemental Security Income ("SSI") benefits in February 2025. *Ibid.* Following the submission of R.L.'s hardship extension application, on March 3, 2025, S.M.'s physician provided the Agency with a MED-1 form for her indicating her medical diagnoses and that she was employable. See Initial Decision at 4; see also Exhibit R-6. S.M. also provided information that she applied for SSI on February 28, 2025. See Initial Decision at 4; see also Exhibit R-7. Following a review of the case, and consultation between the Agency and the Division of Family Development ("DFD"), on March 14, 2025, the Agency was instructed to issue Petitioner S.M. a "5S" form (Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult), to provide thirty-days for the completion



and submission of the form, and to continue to provide for Petitioners' motel placement during those 30 days. See Initial Decision at 4; see also Exhibits R-8, R-9.

On March 31, 2025, the "5S" form was submitted to the Agency, stating the medical diagnoses for R.L. and noting he needed to utilize a wheelchair and other assistive medical device due to spinal infection. See Initial Decision at 5; see also Exhibit R-10. On April 2, 2025, the Agency found the 5S form "not valid." See Exhibit R-11. The ALJ found, and an independent review of the record reveals, that the "5S" included some contradictory information from the physician, specifically the physician indicated via check boxes that R.L.'s caretaker would be unable to participate in either full-time or part-time work as R.L. requires supervised home care, but then indicated that R.L.'s caretaker could participate in part time work. See Initial Decision at 5; see also Exhibit R-10. Upon independent review of the "5S," I additionally note that, under functional classification of musculoskeletal inadequacy or failure, the physician circled "largely or wholly incapacitated with patient bedridden or confined to wheelchair permitting little or no self-care" and completed the form stating R.L. would be disabled until 9/30/25, which would lengthen the time originally included on his August 2024 MED-1 form. See Exhibit R-10.

Petitioners have now received sixteen months of EA benefits, which has exhausted the twelve-month lifetime limit, and utilized four of the six additional months available through a hardship extension. See Initial Decision at 7. Petitioner S.M. testified that she is in treatment for opioid use, that R.L. was in treatment for opioid use, and that as recently as the day of the hearing, R.L. was hospitalized due to a spinal infection. Ibid. While the Agency concluded that the EA denial was based upon neither Petitioner having a MED-1 that reflected a permanent disability, the ALJ found that the August 2024 MED-1 form for R.L. indicated a period of temporary disability until August 9, 2025, and the March 2025 "5S" indicated R.L. is temporarily disabled for a period of more than six, but less than twelve, months and requires a caretaker. Ibid. The ALJ found that permanent and total disability are not required by regulation in order for the Agency to allow for a hardship extension of EA benefits, concluding that while the medical documentation may not reflect a permanent or total disability, there is sufficient evidence, with respect to R.L., to warrant an extreme hardship extension, at least for the remaining two months of hardship extension which are available. See Initial Decision at 8; see also N.J.A.C. 10:90-6.4(b)(2). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioners must be reversed. Ibid. Based on Petitioners particular circumstances presented in this case, I agree.

Exceptions to the Initial Decision were received from the Agency.

As Assistant Commissioner, DFD, 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 further comment, I have reviewed the Agency's Exceptions, and I find that the arguments therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, as outlined above.

Officially approved final version. April 29, 2025

Natasha Johnson
Assistant Commissioner

