



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 **00501-25 S.V.**

AGENCY DKT. NO. **C266019007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits pursuant to the Emergency Assistance for Specific Groups ("EASG") program. The Agency denied Petitioner EA benefits, contending that she had sufficient funds and the capacity to plan to avoid her emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2025, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 14, 2025, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby **MODIFY** the ALJ's Initial Decision, and **REVERSE** the Agency's determination.

N.J.S.A. 44:10-51(a)(4) ("7-year disregard"), 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." Additionally, any extreme hardship extensions of EA benefits, and any EA benefits received pursuant to an EA benefits pilot program, received more than 84 months from the date of the EA application shall not be counted. See DFD Instruction ("DFDI") No. 19-07-01. However, in no case shall an individual receive more than 24 cumulative months of EA benefits, excluding any EA benefits received pursuant to an extreme hardship extension and EA benefits pilot program received more than 84 months from the date of the application for EA benefits Ibid.

Here, based on Petitioner's credible testimony, and the record provided, the ALJ found that Petitioner is imminently homeless, that due to the death of her mother, with whom she resided, she was unable to pay the total rent of \$1,400 per month, that in agreement with her landlord she was making partial payments of between \$500 and \$600 per month from her \$970 monthly Supplemental Security Income ("SSI") benefits, until such time as the landlord's boss filed an eviction. See Initial Decision at 2-4; see also Exhibits P-4. Thereafter, the ALJ found that Petitioner had temporarily moved in with a friend, and had temporarily sublet an apartment from another friend, paying \$500 per month for rent.

See Initial Decision at 4-5. Moreover, the ALJ found that during the time-frame at issue, Petitioner had been actively looking for permanent affordable housing, had submitted applications to at least three different rental agencies, and had been advised by one of those agencies that there was a two-year wait list. See Initial Decision at 5; see also Exhibit P-2. The record also reflects that Petitioner suffers from numerous physical ailments. See Initial Decision at 5; see also Exhibit P-3. Of note, the Agency's Fair Hearing Liaison moved items into evidence on behalf of the Agency, but declined to testify. See Initial Decision at 5. Based on the testimony and record provided, the ALJ found that Petitioner had not



violated any aspect of the regulations set forth at N.J.A.C. 10:90-6.1(c), had proven by a preponderance of the credible evidence, and that the Agency's denial of her EASG application was arbitrary, capricious, and unreasonable. See Initial Decision at 6, 13-14. The ALJ also found that as an SSI recipient, Petitioner is eligible for EA benefits in accordance with EASG. See Initial Decision at 11; see also N.J.S.A. 44:10-51(a)(3), and DFD Instruction ("DFDI") 24-03-01. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits in accordance with the EASG program, and as such, the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 14; see also Exhibit R-2. I agree.

Additionally, the ALJ ordered the Agency to reconsider and approve Petitioner's EASG application, to provide her with immediate need shelter during the approval process, and to take her physical limitations into consideration when determining the appropriate shelter placement. See Initial Decision at 15; see also Exhibit P-3, and N.J.A.C. 10:90-1.3(a)(2), -6.3(a)(1). Although I agree with the ALJ's conclusion that Petitioner is eligible for EA benefits in accordance with EASG, based on an independent review of the record, I find that the EA payment history submitted into the record indicates that Petitioner is eligible for an additional ten months of EA benefits, in accordance with the seven-year disregard found at N.J.S.A. 44:10-51(a)(4), and therefore, the Agency must first provide Petitioner with EA benefits in accordance with that statute. See Initial Decision at 6, 8, 11-12; see also DFDI 19-07-01. Thereafter, upon exhaustion of those ten months of EA benefits, Petitioner may again apply for an EASG extension of EA benefits. Accordingly, the Agency is directed to provide Petitioner with EA benefits on an expedited basis, and to provide her with an appropriate shelter placement, taking into consideration her medical issues. See Initial Decision at 5; see also Exhibit P-3. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED.

Officially approved final version. January 28, 2025

Natasha Johnson
Assistant Commissioner

