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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 01463-18 J.K.

AGENCY DKT. NO. C658066007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied the extension contending that Petitioner was determined work ready and no longer unemployable, and that she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 8, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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 as outlined below.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/General Assistance ("WFNJ/GA") recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record reflects that Petitioner has received 34 months of EA benefits. See Initial Decision at 2; see also Exhibit R-3. As such, Petitioner has exhausted her lifetime limit of EA benefits, plus the one available extreme hardship extension of those benefits. See N.J.A.C. 10:90-6.4(a), (b), (d). However, the ALJ found that Petitioner has a valid 12-month MED-1 form and a pending Supplemental Security Income ("SSI") claim, and therefore, concluded that she is eligible for an additional extreme hardship extension of EA benefits pursuant to N.J.A.C. 10:90-6.4(b). See Initial Decision at 2-5; see also Exhibits P-1, P-4, R-2, and N.J.A.C. 10:90-4.10(a)(2). I respectfully disagree with the ALJ's conclusion based on the discussion below.



I agree with the ALJ that Petitioner has a valid 12-month MED-1 form and that she has a pending SSI claim. See Initial Decision at 5; see also Exhibits P-1 and P-4. However, I find that Petitioner has received 34 months of EA benefits, including the one available extreme hardship extension of EA benefits, and that there is no regulatory authority, pursuant to N.J.A.C. 10:90-6.4(b), by which Petitioner may be granted an additional extreme hardship extension of EA benefits. See Initial Decision at 2; see also Exhibit R-3. Nevertheless, because the ALJ found that Petitioner has a valid 12-month MED-1 form and an SSI claim pending, and because it appears from the record that Petitioner may have legal representation in her SSI claim, I find that Petitioner may be eligible for an extension of EA benefits pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 5; see also Exhibits P-1, P-4, and N.J.A.C. 10:90-6.9. Therefore, I am remanding the matter to the Agency to consider Petitioner's eligibility for a continuation of EA benefits under PHASE. See N.J.A.C. 10:90-6.9. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

APR 16 2018

Natasha Johnson
Director

