



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 01002-18 L.F.

AGENCY DKT. NO. S906214009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he is not a Work First New Jersey ("WFNJ") or a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until February 23, 2018, to allow the Agency the opportunity to produce a witness, and to provide a copy of the notice terminating Petitioner's WFNJ/General Assistance ("GA") benefits. On February 26, 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 ("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, REVERSE the Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that the Agency terminated Petitioner's EA benefits because he was not a WFNJ or SSI benefits recipient. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.2(a). However, the ALJ found that Petitioner was not properly noticed of the termination of his WFNJ/GA benefits, and therefore, a termination of his EA benefits on that basis was improper. See Initial Decision at 4; see also N.J.A.C. 10:90-9.1(a), (b). I agree with this finding.

Further, the ALJ found that Petitioner had exhausted his 12-month lifetime limit of EA benefits, and that his receipt of additional EA benefits is subject to his eligibility for an extreme hardship extension of those benefits, as set forth in N.J.A.C. 10:90-6.4(b)(1). See Initial Decision at 2. The ALJ found that Petitioner is eligible for an extreme hardship extension of EA benefits because he was not properly noticed of the reasons for the termination of his WFNJ/GA benefits; and because his past criminal justice involvement, and the furtherance of his education, are consistent with the goals established pursuant to N.J.A.C. 10:90-6.6 et seq. Id. at 4. I respectfully disagree with this finding. Rather, based on an independent review of the record, I find that Petitioner does not meet the criteria for an extreme hardship extension of EA benefits. See N.J.A.C. 10:90-6.4(b)(1). Further, I find that Petitioner's "full-time student" status is not an extreme hardship such that an extension of EA benefits is warranted. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(b)(1), and DFDI 13-12-02.



However, as it appears from the record that Petitioner was not properly noticed of the termination of his WFNJ/GA benefits, or the termination of his EA benefits, I find that the Agency's termination of Petitioner's EA benefits was improper and must be reversed on that basis alone. See Initial Decision at 3-4; see also N.J.A.C. 10:90-9.1(a), (b). Therefore, I am remanding the matter to the Agency to properly notice Petitioner of the termination of his WFNJ/GA benefits, if it has not done so already, and to properly notice Petitioner of the termination of his EA benefits. 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 REMANDED to the Agency based on the discussion above.

Officially approved final version.

MAR 22 2018

Natasha Johnson

Director

