



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 03764-18 M.V.

AGENCY DKT. NO. C275589007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits, and the resultant termination of her EA benefits. The Agency denied Petitioner an extension of EA benefits contending that she failed to comply with her EA service plan ("SP"), and did not meet the criteria for and extension of EA benefits, resulting in the termination of Petitioner's EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 29, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner time to submit additional documentation, and then closed on April 5, 2018.

On April 23, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. On February 27, 2018, Petitioner sought an extension of EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 14-18. However, on that same date, Petitioner was denied an extension of EA benefits, and her EA benefits were terminated, because she failed to comply with her SP by failing to secure employment and/or provide a MED-1 form indicating that her medical condition prohibited her from working. See Initial Decision at 2-3; see also Exhibit R-1 at 1-3, 7-11, 23-24, and N.J.A.C. 10:90-6.6(a). Petitioner was also denied an extension of EA benefits because she did not meet the eligibility criteria for such extension. See Initial Decision at 3; see also Exhibit R-1 at 7-11, 16, 23-24, and N.J.A.C. 10:90-6.4(b). At the hearing, Petitioner testified that she was a victim of identity theft, making it difficult to secure employment, and submitted documentation concerning her medical condition. See Initial Decision at 2; see also Report from Rutgers University Behavioral Health Care. The ALJ found that Petitioner had not provided enough evidence that the identity theft had hindered her employment search, and noted that the medical report did not state that Petitioner could not work. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits because she failed to comply with her SP, without good cause, and therefore, the Agency's denial of an extension of EA benefits, and the termination of her EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 7-11, 23-24, and N.J.A.C. 10:90-6.4(b), -6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, because I concur with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 3-4; see also N.J.A.C.



10:90-6.6(a). Further, because Petitioner has been receiving continued benefits pending the outcome of this hearing, the six-month EA ineligibility penalty shall begin to run from the date of this Final Agency Decision.

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

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

~~MAY 15 2018~~

