



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

TRENTON, NJ 08625-0716

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

FINAL DECISION

OAL DKT. NO. HPW 00408-18 S.R.

AGENCY DKT. NO. S608716012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the denial of her application for an extreme hardship extension of EA benefits. The Agency terminated Petitioner's EA benefits, and denied any further extension of EA benefits, contending 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 6, 2018, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination. Consistent with the Work First New Jersey ("WFNJ") regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [ ] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request EA benefits due to domestic violence, as well as request the waiver of program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), -20.2(a)(2)(ii), and -20.4(a)(7). The FVO does not authorize the provision of EA benefits indefinitely based on an individual's history of domestic violence. See DFD Instruction ("DFDI") 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need, as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.8 and DFDI 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months, or sooner, depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c).

Here, the record reflects that Petitioner had exhausted her lifetime limit of EA benefits, and was receiving an extension of those benefits based on an FVO waiver. See Initial Decision at 3; see also Exhibits R-3, R-6, and N.J.A.C. 10:90-20.1(b), -20.2(a)(2)(ii), and -20.4(a)(7). Petitioner's FVO waiver was due to expire on October 21, 2017. See Initial Decision at 3-4. On September 11, 2017, Petitioner entered into an EA Service Plan ("SP") with the Agency, wherein she agreed to submit for a renewal of her FVO form by October 21, 2017, which was needed to continue the FVO waiver of the EA benefits time limit. *Ibid.*; see also Exhibit R-4. However, Petitioner failed to submit the FVO form. See Initial Decision at 3. As a result, on December 13, 2017, the Agency terminated Petitioner's EA benefits, because she had exhausted her lifetime limit for said benefits, plus all available extensions. *Ibid.*; see also Exhibit R-7, and N.J.A.C. 10:90-6.4(a), (b), (c), -20.8(c). Based on the foregoing, the ALJ agreed with the Agency that Petitioner had exhausted her lifetime



limit of EA benefits, and because she failed to submit for the renewal of her FVO waiver, she no longer qualified for an extension of said benefits. See Initial Decision at 4-5; see also Exhibit R-7, and N.J.A.C. 10:90-6.4(a), (b), -20.8(c). Further, the ALJ concluded that Petitioner failed to comply with her EA service plan ("SP") by failing to provide the Agency with the documentation required under the terms of her SP. See Initial Decision at 4-5; see also Exhibit R-4, and N.J.A.C.10:90-6.6(a). I agree.

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. Ibid. Because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance 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.

Also, by way of comment, the transmittal in this matter indicates a contested issue regarding a termination of WFNJ/GA benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/GA benefits, she may request another fair hearing on that issue alone.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

APR 04 2018

---

Natasha Johnson

Director

