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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 03314-18 N.T.

AGENCY DKT. NO. C658044007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that she did not meet the eligibility criteria for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was originally scheduled for March 7, 2018, but was rescheduled, due to weather, to March 8, 2018. On March 8, Petitioner did not appear, but her husband did as her representative. Because it was decided that the hearing could not proceed without Petitioner, the matter was again adjourned to March 14, 2018. On March 14, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 16, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

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/Temporary Assistance for Needy Families ("TANF") benefits recipient may qualify for two six-month EA benefits extensions if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record shows that Petitioner, a WFNJ/TANF recipient, had received 18 months of EA benefits, after being granted a six-month extreme hardship extension in August of 2017. See Initial Decision at 2; see also Exhibits R-4, R-5. On January 25, 2018, Petitioner applied for a second six-month extreme hardship extension, and was denied by the Agency on February 7, 2018. See Initial Decision at 2-3; see also Exhibits R-1, R-3. The Agency denied Petitioner an extreme hardship extension, finding that Petitioner did not meet the criteria for the extension, had not provided verification of a promise of employment, and because Petitioner was not in compliance with her EA Service Plan ("SP") as she had not provided proof of applying for subsidized Section 8 housing. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(b), -6.6(a). Petitioner testified that she and her husband were diligently looking for employment; however, Petitioner's impending pregnancy was making the task difficult. See Initial Decision at 3. Petitioner further testified that she had not applied for subsidized housing, as she was told by the Agency that her rent was within Agency guidelines. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(7). Based on the foregoing, the ALJ reversed the Agency's denial of the extension, finding that Petitioner met the criteria for the extension, because she and her husband



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were seeking employment, because her pregnancy was hindering her job search success, and because the Agency had failed to provide sufficient proof that Petitioner failed to take "reasonable steps to resolve the emergent situation." See Initial Decision at 5-6; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(b), -6.4(d). I agree.

By way of comment, Petitioner is advised that she must comply with her SP in order to continue receiving EA benefits, which includes applying for subsidized housing. While Petitioner's current rent of \$750 is below Fair Market Rent ("FMR"), see N.J.A.C. 10:90-6.3(a)(7), Petitioner is reminded that EA benefits are not limitless in duration. Therefore, Petitioner must apply for subsidized housing, as specified in her SP, such that future housing may be affordable by the assistance unit.

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

MAR 26 2018

Officially approved final version.

Natasha Johnson
Director

