



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 14866-15 A.G.

AGENCY DKT. NO. C388020 (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 he did not meet any of the criteria necessary to qualify for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 9, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 13, 2015, 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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for two six-month EA 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). Pursuant to N.J.A.C. 10:90-6.4(b)(1)(i), one type of extreme hardship is when "[t]here is the danger of a loss of employment or a bona fide offer of employment" While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be

considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD"). Thus the maximum amount of EA benefits that a WFNJ/TANF cash recipient may receive is 24 months.

Here, the Agency denied Petitioner an extension of EA benefits under the extreme hardship extension set forth at N.J.A.C. 10:90-6.4(b) contending that he did not meet any of the criteria required for eligibility under that regulation. See Initial Decision at 2. However, the ALJ found that Petitioner had a bona fide offer of employment, and was, therefore, eligible for an extreme hardship extension. *Id.* at 2-3, 4. I respectfully disagree for the following reasons.

Specifically, the ALJ relies upon the letter from the Director of Petitioner's training program as proof of an offer of bona fide employment. *Id.* at 4; see also Exhibit P-1. However, I find that this letter does not constitute a bona fide offer of employment. Rather, it indicates that Petitioner's offer of employment is contingent upon him completing his training program which is still a few months off; and with an unknown employer. See Exhibit P-1. Therefore, I find this alleged offer too tenuous to be considered a bona fide offer. Additionally, I do not find any extraordinary circumstances in Petitioner's case, such that an extreme hardship extension would be warranted. Accordingly, I find that the Agency properly denied Petitioner an extension of EA benefits.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

Signed Copy on File

at DFD, BARA

DEC 23 2015

Natasha Johnson

Director