



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 14422-14 A.R.

AGENCY DKT. NO. GA523010 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner an extension of EA benefits under HHE because she incurred a sanction for noncompliance with the work requirement within the 12-month period prior to applying for HHE. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 17, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and REVERSE the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

EA benefits are limited to 12 months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. Ibid. Thus, the maximum amount of EA benefits a WFNJ/TANF recipient may receive is 24 months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit on EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA. Ibid. However, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

In pertinent part, N.J.A.C. 10:90-4.13(i)(6)(ii) states, "If the recipient contacts the case manager before the 10-day adverse action period is over and the case manager determines that there is no good cause for the noncompliance but the recipient demonstrates an intent to comply, no per capita sanction shall be imposed."

Here, the record indicates that Petitioner is a WFNJ/TANF recipient and had received 30 months of EA benefits as of October 2014. See Initial Decision at 2. Additionally, the record indicates that Petitioner received a sanction, which was lifted by the Agency, effective, December 1, 2013. Ibid. The record further indicates that Petitioner applied for an extension of EA benefits under HHE on August 8, 2014, and was denied by the Agency because she, purportedly, received a sanction within the 12-month period prior to applying for HHE and is, therefore, ineligible for the program. Ibid.; see also N.J.A.C. 10:90-6.9(c)(1).

However, pursuant to the Agency's Intra-Office Referral, Petitioner complied with her WFNJ work requirement prior to any sanction being imposed. See Exhibit R-2. This Agency record clearly states, "Client completed 10 day intent to comply period and is in compliance with the WFNJ work requirement. Please change coding in sanction indicator to the correct "complied" level code YB-Complied prior to sanction.

Please reinstate benefits effective 12/1/13.” Ibid. Accordingly, I find that a sanction was never imposed, and the Agency improperly denied Petitioner an extension of EA under HHE. See N.J.A.C. 10:90-4.13(i)(6)(ii).

By way of comment, presuming that Petitioner incurred no further sanctions, Petitioner may reapply for an extension of EA benefits under HHE provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.9.

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

APR 17 2015

*Signed Copy on File*  
at DFD, BARA

---

Natasha Johnson  
Director