



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 12419-15 A.S.

AGENCY DKT. NO. C126147 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits because she 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 September 17, 2015, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 21, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

The record indicates that Petitioner is a Work First New Jersey/Temporary Assistance for Needy Families recipient, who has received 109 months of EA benefits. See Initial Decision at 2. Said benefits include the 12-month lifetime limit of EA benefits, two six-month extreme hardship extensions, plus continuous benefits since the inception of the Housing Hardship Extension ("HHE") pilot, which provided for up to 12 additional months of EA benefits, and the Housing Assistance Program ("HAP")

pilot, which provided for up to 24 additional months of EA benefits. Ibid.; see also Exhibit R-2, and N.J.A.C. 10:90-6.4, -6.9, -6.10. Of note, the HHE and HAP pilot programs expired on July 2, 2015, and no new applications for HHE or HAP are being accepted after July 6, 2015. See DFD Instruction No. 15-07-02. Accordingly, the ALJ found that Petitioner had exhausted all EA available to her, is ineligible for additional EA benefits, and the Agency properly denied Petitioner EA benefits. See Initial Decision at 3.

However, in the present matter, Petitioner alleges that she has a history of domestic violence. Id. at 2. It is not clear from the record if Petitioner's alleged domestic violence occurred in the past or is occurring presently, therefore, the matter is remanded back to the Agency to schedule Petitioner for a domestic violence risk assessment with the designated victim provider agency, in accordance with N.J.A.C. 10:90-20.1 et seq., and to provide Petitioner with any services deemed appropriate, thereafter.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is AFFIRMED, and the matter is REMANDED back to the Agency based on the discussion above.

OCT 29 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director