



State of New Jersey

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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 16836-14 B.S.

AGENCY DKT. NO. C371806 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because Petitioner had exhausted all available EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 26, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On January 29, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 cumulative months, plus limited extensions for an "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(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as

Petitioner, 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 that a WFNJ/TANF benefits recipient may receive is 24 months.

In the event a WFNJ/TANF benefits recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for an extension of EA benefits under the Housing Hardship Extension ("HHE") pilot program, which expands upon the granting of EA extensions for WFNJ/TANF benefits recipients. See N.J.A.C. 10:90-6.9. To qualify for an extension of EA benefits under HHE, the WFNJ/TANF benefits 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 of 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 benefits recipient may receive up to an additional 12 months of EA. Ibid.

The Housing Assistance Program ("HAP") is another pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") benefits recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1). To be eligible for an extension of EA benefits under HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i).

The record in this matter reveals that Petitioner has exhausted more than 36 months of EA benefits. Initial Decision at 2. This includes, but is not limited to, exhaustion of her 12-month lifetime EA benefits limit, two six-month "extreme hardship" extensions, and a 12-month extension of EA benefits under HHE. Ibid. Because Petitioner has exhausted her eligibility under HHE, I accordingly reject the ALJ's incorrect conclusion that she is nevertheless eligible for an extension of EA benefits under HHE. Furthermore, there is no evidence Petitioner is presently eligible for an extension of EA benefits under HAP.

In total, Petitioner is not presently eligible for an extension of EA benefits. Petitioner may, without prejudice, apply for an extension of EA benefits under HAP, subject to applicable eligibility criteria as discussed above.

Page 3

By way of comment, the Agency is reminded to introduce a printout of WFNJ and EA benefit histories in all fair hearing cases where the amount of benefits received is at issue.

Accordingly, the Initial Decision is REJECTED and the Agency determination is AFFIRMED

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director