



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 17428-15 D.M.

AGENCY DKT. NO. C442428 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits in the form of a security deposit and one month rent. The Agency denied Petitioner EA benefits because it determined that she had exhausted her lifetime limit of EA and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 5, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 5, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, REJECT the Settlement, 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 WFNJ/TAIF 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). Thus, the maximum amount of EA benefits that a WFNJ/TANF cash recipient may receive is 24 months.

On November 5, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner received 24 months of EA benefits, and applied for further EA benefits in the form of security deposit and one month's rent. See Initial Decision at 2; see also Exhibits R-1 and R-2. The record also shows that the Agency denied Petitioner EA benefits because it determined that she had exceeded her lifetime limit of EA and all available extensions. See Initial Decision at 2; see also Exhibit R-3. Additionally, the record shows that the parties reached a Settlement, wherein the Agency agreed to provide Petitioner with the requested EA, because she had provided evidence of rental assistance from a relative. *Id.* at 3. Accordingly, the ALJ concluded that since the matter had been settled, the Agency's prior determination of EA denial should be reversed. *Ibid.*

While the ALJ accepted the parties' aforementioned Settlement, and accordingly concluded the matter in this case, I find the Agency's agreement to grant Petitioner additional EA is not supported under the EA regulations. See N.J.A.C. 10:90-6.4(a), (b), and (d). Petitioner already received 12 months of EA, and two extensions under the extreme hardship provisions. See Initial Decision at 2; see also Exhibit R-2. Accordingly, there are no further EA extension programs currently available, and the Initial Decision must therefore be rejected.

Based on the foregoing, the Initial Decision is REJECTED, the Settlement is REJECTED, and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

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Natasha Johnson
Director