



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

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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 13462-14 D.S.

AGENCY DKT. NO. GA535565 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's termination/denial of Emergency Assistance ("EA"). The Agency terminated/denied Petitioner EA because her husband, a part of the assistance unit, had exhausted his lifetime limit of EA as well as available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On January 26, 2015, the ALJ issued an Initial Decision reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on February 6, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby REJECT the Initial Decision and AFFIRM the Agency's 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 twelve 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/General Assistance ("WFNJ/GA") recipient, such as Petitioner and her

husband, may qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA that a WFNJ/GA benefit recipient may receive is eighteen months. Ibid.

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of a WFNJ/GA assistance unit is most often either a single individual over 18 years of age, or a couple without dependent children. The assistance unit, whether one person or a couple, is treated as a single economic unit. Ibid.; see also N.J.A.C. 10:90-15.1 (stating the definition of "assistance unit"). This interpretation is consistent throughout the WFNJ regulations. For example, N.J.A.C. 10:90-2.3(a)(1) states, "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ/ Temporary Assistance of Needy Families ("WFNJ/TANF")] or WFNJ/GA assistance." As such, if one adult in the assistance unit/household is time limited on benefits, so is the entire household. Similarly, in the regulations pertaining to the granting of EA benefits, the term "individual or family" is used interchangeably with "assistance unit" and carries the same significance. See e.g. N.J.A.C. 10:90-6.1(a)(2),(3),(4),(5); - 6.3(a)(1). Any interpretation to the contrary would treat WFNJ/GA and WFNJ/TANF recipients/families disparately.

With this regulatory background in mind, following an independent review of the record, I respectfully disagree with the ALJ's interpretation and conclusion in this matter. While Petitioner has only received four months of EA benefits to date, Petitioner's husband has previously received eighteen months of EA benefits, thereby exceeding his lifetime limit and any applicable extensions. See Initial Decision at 2. As discussed above, because a WFNJ/GA couple is viewed as an assistance unit and not individually, the assistance unit in this matter, comprised of Petitioner and her husband, have exhausted all available EA benefits at the present time. Furthermore, I find that the Agency's determination to deny further EA benefits under the Housing Assistance Program ("HAP") pilot was correct, as neither Petitioner, nor her husband, have met the applicable regulatory criteria of having a valid 12-month MED-1 form and applications pending, or appeals from the denial of Retirement, Survivors and Disability Insurance ("RSDI") or Supplemental Security Income ("SSI") benefits. See N.J.A.C. 10:90-6.10(a)(1)(i). Therefore, I find that the ALJ improperly reversed the Agency's decision to terminate/deny Petitioner EA benefits.

Based upon the foregoing, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

MAR 20 2015

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director