



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 6367-15 E.S.

AGENCY DKT. NO. GA10750 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot program. The Agency denied Petitioner's application for an EA extension under HHE because it contends that Petitioner does not meet the HHE criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 2, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

At the hearing, the ALJ found that, as a single person receiving Work First New Jersey/General Assistance ("WFNJ/GA") benefits, Petitioner received 24 months of EA under the Housing Assistance Program ("HAP"). See Initial Decision at 2; see also N.J.A.C. 10:90-6.10. Recently, however, Petitioner has been granted custody of her two minor children and is now the recipient of WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 3. The Agency believes that Petitioner cannot "switch programs" from HAP to HHE and thus is not eligible for additional EA under HHE. See Initial Decision at 2. However, Petitioner argues that HAP and HHE are separate and distinct programs and she asserts her eligibility for a 12-month EA extension under HHE. *Ibid.*

HHE expands on the granting of EA extensions for WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for a 12-month EA extension under 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." See N.J.A.C. 10:90-6.9(a)(1).

The ALJ found that Petitioner was previously disabled and had submitted a valid Med-1 form to qualify for HAP. See Initial Decision at 2-3. Now, however, Petitioner is no longer disabled; she is employable; she receives WFNJ/TANF benefits; and she has been compliant with her WFNJ requirements. Ibid. The ALJ further noted that Petitioner has been unsuccessful in obtaining full-time employment. See Initial Decision at 10. The ALJ concluded, therefore, that as an employable WFNJ/TANF benefits recipient, Petitioner is eligible to receive an extension of EA under HHE. See Initial Decision at 10.

In addition, the ALJ opined that the HHE and HAP programs "are found in separately articulated regulations and each contains their own specific eligibility and exclusionary provisions." See Initial Decision at 11; see also N.J.A.C. 10:90-6.9 and -6.10. Further, the ALJ reasoned that the HHE regulation is clear and unambiguous on its face and that the regulation does not exclude EA recipients who have previously utilized a HAP extension. See Initial Decision at 11. Based on the foregoing, the ALJ concluded, and I agree that, because Petitioner has not exhausted her EA eligibility under HHE, and because she meets the criteria for a HHE extension, the Agency's denial of Petitioner's application for an EA extension under HHE was improper and should be reversed. See Initial Decision at 10 and 13.

No exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is REVERSED.

JUN 23 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director