



State of New Jersey

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 15046-15 H.N.

AGENCY DKT. NO. V983783 (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 he has received his lifetime limit of EA benefits, including all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2015, the matter was initially heard by the Honorable Joan Bedrin Murray, Administrative Law Judge. Thereafter, on October 8, 2015, Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 8, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

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 Supplemental Security Income ("SSI") recipient may qualify for one six-month EA extension 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(c). Thus, the maximum amount of EA benefits that an SSI recipient may receive is 18 months.

Here, the record shows that Petitioner is an SSI recipient, who has received 52 months of EA benefits. See Initial Decision at 3. Additionally, it appears from the record that Petitioner is not homeless, as he resides with his mother, and has provided no documentation of a pending eviction. *Id.* at 2, 3. Accordingly, the ALJ found that the Agency properly denied Petitioner an extension of EA benefits. *Id.* at 4. I agree.

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

OCT 26 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director