



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 16505-14 J.P.

AGENCY DKT. NO. GA537281 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination/denial of Emergency Assistance ("EA") benefits. The Agency terminated/denied Petitioner's EA because he had exhausted his 12-month lifetime limit and did not meet the criteria for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 11, 2015, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On March 4, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

Petitioner submitted Exceptions to the Initial Decision on March 17, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT 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 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." 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, 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 18 months. Ibid.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP"), which is a 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/GA and Supplemental Security Income ("SSI") 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).

The Housing Hardship Extension ("HHE") is another pilot program which also expands upon the granting of EA extensions, but only for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients, not WFNJ/GA benefits recipients. See N.J.A.C. 10:90-6.9.

The record shows that Petitioner exhausted his lifetime limit of 12 cumulative months of EA in December of 2014. See Initial Decision at 3. By Petitioner's own account, he has been unemployed since 1998, is not disabled, or has a pending SSI application, and is willing and able to work. See Initial Decision at 2; see also Exhibit P-1. Moreover, Petitioner does not meet the criteria for an extreme hardship extension. See N.J.A.C. 10:90-6.4(b)(1). Therefore, I agree with the ALJ that Petitioner does not qualify for an extension of EA under an extreme hardship extension, or HAP, at this time. Petitioner is without prejudice to reapply for EA subject to the regulatory criteria as outlined above.

By way of comment, I find Petitioner's exceptions to be misplaced. Petitioner asserts that he should have checked "box 2" to be considered for an EA extension under HHE. However, this mistake or omission is not germane to the disposition of this case since Petitioner is a WFNJ/GA recipient and HHE is limited to WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination is AFFIRMED.

APR 24 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director