



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 9405-15 L.P.

AGENCY DKT. NO. S557559 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for an extreme hardship extension of his Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because he has exhausted his lifetime limit of EA and does not qualify for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for July 31, 2015, but was adjourned to allow Petitioner the opportunity to provide relevant documentation. The hearing was rescheduled for August 21, 2015, but was then converted to an emergent hearing and scheduled for an earlier hearing date. On August 7, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony, and admitted documents. On August 10, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on August 12, 2015.

As the Director of the Division of Family Development ("DFD"), 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 REJECT the Initial Decision and AFFIRM the Agency determination.

EA benefits are limited to 12 lifetime cumulative months, plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(a). A Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for up to 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(c). While the WFNJ regulations list five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See N.J.A.C. 10:90-6.4(b)(1); see also DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD").

The record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received 12 months of EA. See Initial Decision at 2; see also Exhibit R-8. On March 19, 2015, Petitioner applied for an extreme hardship extension of EA, stating in his application that he was "in danger of losing employment or losing a bona fide offer of employment." See Initial Decision at 2; see also Exhibit R-5. On April 8, 2015, the Agency denied Petitioner's application because he did not meet the criteria for an extreme hardship extension. See Initial Decision at 3; see also Exhibit R-1. Specifically, the Agency advised Petitioner that there was no evidence to prove he was in danger of a loss of employment or of a bona fide offer of employment. See Exhibit R-2.

At the hearing, Petitioner presented email correspondence with prospective employers, indicating that he was interviewing for employment. See Initial Decision at 2; see also Exhibit R-7. However, none of the emails include a "bona fide offer of employment" to Petitioner. See Exhibit R-7. In fact, there is no position offered, no specific start date, and no indication of proposed compensation. On that basis, I disagree with, and hereby reject, the ALJ's Initial Decision ordering a reversal of the Agency's determination. Instead, I find that the Agency's action was proper and must be affirmed, because Petitioner has not proven that he is in danger of losing employment or a bona fide offer of employment.

By way of comment, Petitioner is without prejudice to reapply in the future if he is in need of EA and meets the eligibility criteria for an extreme hardship extension.

By way of further comment, I note that the transmittal in this matter reflects contested issues pertaining to the denial of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp program, benefits on recertification, and a sanctioning of Petitioner's WFNJ/TANF benefits. These issues, however, are not addressed in the Initial Decision, and as such, I make no finding on these issues. Petitioner is without prejudice to request another fair hearing on these issues alone if they still remain contested.

Accordingly, the Initial Decision is hereby REJECTED and the Agency determination is hereby AFFIRMED.

AUG 21 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director