



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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TRENTON, NEW JERSEY 08625

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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 15700-15 P.J.

AGENCY DKT. NO. GA561154 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he did not meet any of the criteria necessary to qualify for an extension of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for October 5, 2015, but Petitioner failed to appear. Upon providing "good cause" for his failure to appear, the hearing was rescheduled. On October 15, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 16, 2015, the ALJ issued an Initial Decision, which reversed 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 REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.4(b)(2), "Recipients who are in applicant status for Supplemental Security Income ("SSI"), or have been denied but have appealed the denial, shall receive a six-month extension of [EA]. This needs to be supported by medical documentation."

The record shows that Petitioner has received 13 months of EA benefits. See Initial Decision at 2. Also, it appears from the record that Petitioner has applied for SSI and has a MED-1 form indicating a 12-month disability. Id. at 2, 3. Further, Petitioner is currently four months behind in his rent, at \$1,050 per month, and is in imminent danger of homelessness. Id. at 3. Additionally, Petitioner acknowledges that his rent is unaffordable at this time, and that he needs to move to a more affordable apartment. Ibid.

Based on the foregoing, I find that Petitioner is eligible for an extension of EA benefits under the extreme hardship extension pursuant to N.J.A.C. 10:90-6.4(b)(2), and the Agency is to provide Petitioner with EA benefits in the form of four months back rent. However, as Petitioner acknowledged, his current apartment is unaffordable, the Agency is to make continued EA benefits contingent upon Petitioner diligently seeking affordable and/or subsidized housing, which directive shall be incorporated into his EA service plan. See N.J.A.C. 10:90-6.6.

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

*Signed Copy on File*

at DFD, BARA

**OCT 29 2018**

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Natasha Johnson  
Director