



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 11586-15 R.D.

AGENCY DKT. NO. C050491 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he had exhausted his lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 1, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), 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.

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 Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for 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(d). Thus the maximum amount of EA benefits that a WFNJ/TANF cash recipient may receive is 24 months.

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The Housing Assistance Program ("HAP") was a pilot program that expanded upon the extensions of EA benefits, however, the HAP pilot program expired on July 2, 2015, and no new applications for HAP are being accepted. See DFD Instruction No. 15-07-02.

The record shows that Petitioner is a WFNJ/TANF recipient, who has received 25 months of EA benefits as of September 1, 2015, which included his 12-month lifetime limit of EA benefits, plus two extreme hardship extensions. See Exhibit R-1 at 18-22.

Further, the record shows that prior to the expiration of HAP, Petitioner had a Supplemental Security Income ("SSI") appeal pending, but did not have a MED-1 form indicating at least a 12-month disability. See Initial Decision at 2. As both were required for HAP eligibility, and Petitioner did not have a 12-month MED-1, he was not eligible for an extension of EA benefits under HAP. See N.J.A.C. 10:90-6.10(a)(1)(i).

Based on the foregoing, I find that at the time Petitioner applied for EA benefits under HAP, he did not meet the criteria necessary for HAP eligibility, and therefore, the Agency properly terminated Petitioner's EA benefits. See *id.* at 5.

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

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Signed Copy on File
at DFD, BARA

Natasha Johnson
Director