



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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 4030-15 R.S.

AGENCY DKT. NO. GA91372 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA because Petitioner had exhausted her 12-month lifetime limit of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 30, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On March 31, 2015, the ALJ issued an Emergency Initial Decision reversing the Agency's determination.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby REJECT the Initial Decision, and AFFIRM the Agency's action.

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 to the family." 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.*

The ALJ in this matter, citing N.J.A.C. 10:90-6.4, stated that the Agency shall grant EA beyond 12 months in situations where the recipient has taken all reasonable steps to resolve the emergent circumstances but they nonetheless continue to exist. See Initial Decision at 2. The ALJ noted that Petitioner has been compliant with her service plan, seeking employment and affordable housing, yet her emergency continues. Ibid. Thus, the ALJ then ordered the Agency to grant Petitioner a six-month extension of EA. Ibid. I disagree with this conclusion.

N.J.A.C. 10:90-6.4(b)(1) states, in pertinent part, "Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county...the WFNJ...recipient has taken all reasonable steps to resolve the emergent situation but the emergency nonetheless continues...which causes extreme hardship to the family. The following list [of criteria] is not intended to be exhaustive, nor should it be interpreted as preventing county ... agencies from considering other situations not specifically mentioned in the list. Nevertheless, the Agency shall confer with DFD if individual ... circumstances which are offered as a reason for extending EA represent a departure from the categories provided herein." See N.J.A.C. 10:90-6.4(b)(1).

A review of the record shows that Petitioner does not meet any of the enumerated criteria in N.J.A.C. 10:90-6.4(b)(1)(i-v) that would render Petitioner eligible for an extension of EA on the basis of extreme hardship. In the instant matter, the Agency, as it is within its authority and discretion to do so, contrary to the ALJ's interpretation of the regulations, denied Petitioner's EA because she exhausted her cumulative lifetime benefit. I hereby find that the Agency properly denied Petitioner an extension of EA on the basis of extreme hardship.

Petitioner is without prejudice to reapply for EA benefits if she meets any of the criteria referenced above.

The Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs.

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

Signed Copy on File
at DFD, BARA

MAY 18, 2015

Natasha Johnson
Director