



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 3380-15 S.S.

AGENCY DKT. NO. C249087 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency determined Petitioner was not eligible for EA because she had exhausted her 60 month cumulative lifetime limit for cash assistance. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16 and March 17, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On March 18, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's denial of EA benefits.

No exceptions to the Initial Decision were received.

As the Deputy Director of the Division of Family Development, 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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency determination.

A threshold eligibility requirement for EA is that the applicant must be a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. N.J.A.C. 10:90-6.2(a). With respect to time limitations for receipt of WFNJ cash assistance benefits, "[E]ligibility for cash assistance shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient...at the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") or WFNJ/General Assistance ("WFNJ/GA")." N.J.A.C. 10:90-2.3(a)(1).

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Here, Petitioner applied for EA benefits and was denied by the Agency on September 16, 2014. See Initial Decision at 2; Exhibit R-1 at 2. Although the ALJ found that there was no credible evidence presented that Petitioner had ever received the Agency's Adverse Notice Letter, the denial of EA was based upon Petitioner no longer being eligible for cash assistance, and therefore, not eligible for EA. See Initial Decision at 2-3; Exhibit R-1 at 2. Following a reevaluation for eligibility after the first day of the hearing before the ALJ, the Agency determined that Petitioner has received more than the 60 months cumulative lifetime cash benefits allowed. See Initial Decision at 3; Exhibit R-4. Indeed, the ALJ noted that the Agency presented documentation detailing that Petitioner had, in fact, received 184 months of WFNJ/TANF benefits. See Initial Decision at 3.

The ALJ concluded that Petitioner had received in excess of the 60 cumulative months of lifetime cash assistance permitted, and as such, is not eligible for further WFNJ/TANF or EA benefits. See Initial Decision at 3. Based upon the record presented, I agree. I note that Petitioner provided no evidence that she would meet the criteria for an extension of, or exemption to, the 60 month time limit. See N.J.A.C. 10:90-2.4; -2.5. Should Petitioner meet any of those criteria, Petitioner is without prejudice to reapply.

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

MAR 26 2015***Signed Copy on File***

at DFD, BARA

Natasha Johnson
Deputy Director