



*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

REMAND DECISION

OAL DKT. NO. HPW 7883-14 T.L.

AGENCY DKT. NO. C189139 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. Petitioner also appeals the imposition of a sanction and the Agency's reduction of the assistance unit's Supplemental Nutrition Assistance Program ("SNAP"), f/k/a Food Stamp program, benefits due to income. The Agency denied Petitioner's application for an extension of EA under HHE due to two sanctions for non-compliance with a work activity within a 12-month period prior to Petitioner's application for an EA extension under HHE. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2014, the Honorable Linda M. Kassekert, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 20, 2014, the ALJ issued her Initial Decision. The ALJ found that Petitioner had been sanctioned twice in October 2013, and Petitioner's appeal of those sanctions now in the present matter was untimely. See Initial Decision at 7. In regards to the Agency's denial of EA under HHE, the ALJ opined that the Agency's denial was incorrect, as the Agency had failed to consider Petitioner for a second extreme hardship extension of EA pursuant to N.J.A.C. 10:90-6.4(d)(2), and the ALJ remanded the matter to the Agency for consideration. See Initial Decision at 8-9. The ALJ also found that, based upon the facts and evidence presented, the reduction of Petitioner's SNAP benefits was appropriate. See *id.* at 9.

No Exceptions to the Initial Decision were filed by either party.

Page 2

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby MODIFY the ALJ's Initial Decision in part, ADOPT in part, and REMAND the matter to the Agency, as discussed below.

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. 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/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d)(1). In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is twenty four months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid.* However, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

The ALJ in this matter opined that the Agency had incorrectly denied Petitioner EA under HHE as the Agency had not first considered Petitioner for a second six month extreme hardship extension pursuant to N.J.A.C. 10:90-6.4. See Initial Decision at 8-9. While the record supports that Petitioner had not yet been considered for a second six month extreme hardship extension, I disagree with the ALJ that the Agency's denial of an EA extension under HHE was incorrect. N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the 12-month period prior to applying for an extension under HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot. I find that the record clearly shows that Petitioner incurred two separate sanctions, both in October 2013, during the 12 months preceding her application for an EA extension under HHE in April 2014. which therefore renders

Page 3

Petitioner ineligible for an extension of EA under HHE.

The ALJ seems to contend that, in order to be considered for an EA extension under HHE, a WFNJ/TANF benefits recipient would need to first exhaust two six-month extreme hardship extensions. See Initial Decision at 8. This contention would presume that the second six month extreme hardship extension is automatic, which it is not. See N.J.A.C. 10:90-6.4(d)(2). However, I concur with the ALJ that, as the Agency failed to consider Petitioner for a second six month extreme hardship extension, that this matter should be remanded to the Agency for consideration of same.

In regards to the ALJ's Initial Decision pertaining to the untimeliness of Petitioner's appeal of the October 2013 sanctions, see Initial Decision at 6-7, as well as the reduction of SNAP benefits, see Initial Decision at 9, I adopt the Findings of Fact and Conclusions of Law as to those two issues.

Based upon the foregoing, the Initial Decision in this matter is MODIFIED in part, ADOPTED in part, and REMANDED to the Agency.

OCT 31 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director