



State of New Jersey

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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 17199-14 Y.R.

AGENCY DKT. NO. C107422 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefit. The Agency denied Petitioner's request for an extension of EA benefits because she used 24 months of EA and was not eligible for any other EA pilot program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On February 24, 2015, the ALJ issued an Initial Decision which affirmed 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 hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). 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 a WFNJ/TANF recipient may receive is 24 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, they may qualify for an extension of EA under the Housing Hardship Extension ("HHE") pilot program, which is a program that expands upon the granting of EA extensions for WFNJ/TANF recipients. 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 12 months of EA. *Ibid.* However, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the twelve-month period prior to applying for HHE disqualifies a WFNJ/TANF recipient from eligibility for HHE.

The Housing Assistance Program ("HAP") pilot is another program that expands upon the granting of EA extensions. However, HAP was designed to provide additional housing assistance for up to 24 months to WFNJ/TANF and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1). Moreover, the regulation, in pertinent part, provides that WFNJ/TANF "recipients...shall receive up to 24 months of assistance under [HAP when]...[t]he recipient is the sole caretaker of a severely disabled or seriously ill dependant child or family member." N.J.A.C. 10:90-6.10(a)(1)(ii).

Here, the Agency initially determined that Petitioner's EA would be closed as of December 14, 2014, because she was "on a HAP extension," thereby making her ineligible "for assistance with temporary housing assistance of any sort." See Exhibit R-2 at 2. Subsequently, however, the Agency revised its determination, dated December 18, 2014, indicating Petitioner's "hotel stay would be terminated as of 12/31/2014." See Exhibit R-1 at 2. The Agency advised Petitioner that she had "used 24 months of Emergency Assistance and [she was] not eligible for the HAP or HHE extension." *Ibid.*

The record is clear that Petitioner exhausted her 12-month lifetime benefit, as well as the two six-month extreme hardship extensions for EA. Indeed, the ALJ noted that Petitioner had received 26-months of EA as of the February 3, 2015, hearing date, as her EA benefits were continued up to that date. See Initial Decision at 2; Exhibit R-3 at 1-2.

It is also clear that the sanction imposed by the Agency was within the twelve-month period prior to Petitioner applying for HHE. Petitioner testified that she recognized that her WFNJ/TANF eligibility ended in June 2014 due to her being sanctioned by the Agency. See Initial Decision at 2, 3. Thus, the ALJ concluded that the Petitioner was ineligible for an extension of EA benefits under HHE. Furthermore, the ALJ concluded that Petitioner shall not become eligible to apply for an EA extension until 12 months after the effective date of the Agency's sanction. See Initial Decision at 4.

Additionally, Petitioner, as explained by the ALJ, did not meet the eligibility requirements for HAP at the present time. That is, she did not show a permanent disability, nor did she show she was receiving, or had even applied for, SSI. See Initial Decision at 3.

The ALJ concluded that the Agency properly terminated Petitioner's EA. I agree with the ALJ's conclusion in the matter. However, the record reflects that Petitioner is caring for her minor child who is an SSI recipient who may have medical needs. See Initial Decision at 2, 3. As such, Petitioner may, without prejudice, reapply for EA assistance under HAP. Petitioner is reminded that in order to qualify for such assistance she must provide the Agency with the necessary documentation to show that she is, in fact, the sole caretaker of her child and that the child is either severely disabled or seriously ill.

Accordingly, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Signed Copy on File
at DFD, BARA

MAY 14 2015

Natasha Johnson
Director