



*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 12600-14 C.R.

AGENCY DKT. NO. C083443 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner continued EA benefits because she had exhausted her lifetime limit of EA and was not eligible for an extension under the Housing Hardship Extension ("HHE") pilot. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On October 9, 2014, the ALJ issued an Initial Decision. The ALJ found Petitioner failed to provide any good cause for her failure to comply with her EA service plan. In addition, the ALJ found that Petitioner had exhausted her lifetime limit of EA benefits and was not eligible for an extension under the HHE pilot. Thus, the ALJ 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 Initial Decision and the record, and I AFFIRM the ALJ's Initial Decision.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 months, plus limited extensions for

"extreme hardship" where the recipient has taken "all reasonable steps to resolve the

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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; 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. Ibid. 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. Ibid. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

Here, the record reveals that Petitioner, a WFNJ/TANF recipient, has exhausted her lifetime limit of EA benefits, plus two extreme hardship extensions. Indeed, Petitioner has received a total of 25 months of EA, which is beyond the 24 months of EA benefits permitted under the regulations. Moreover, Petitioner is ineligible for the HHE pilot because she failed to comply with her EA service plan. See N.J.A.C. 10:90-6.9(c)4iii(disqualifying individuals who incur a 6-month penalty for failure to comply with EA service plan within 12 months of application). It appears that Petitioner failed to comply with her EA service plan, which she signed on June 30, 2014, because she only submitted one job search for the week of July 1, 2014, and none thereafter. See Exhibit R-3, EA Service Plan, and Exhibit R-4, Job Search Log. Therefore, the Agency properly denied Petitioner a continuation of EA benefits because she has exhausted her lifetime limit of EA and does not qualify for an extension under the HHE pilot as a result of her failure to comply with her EA service plan.

Further, the Initial Decision indicates that Petitioner's "sanction" has been lifted, but it is unclear as to whether this refers to her 6-month penalty for failure to comply with her EA service plan or whether Petitioner was sanctioned for a separate matter. Clearly, Petitioner could not have completed her 6-month penalty period by October 2014. See N.J.A.C. 10:90-6.6(a)(imposing 6-month period of ineligibility for EA for failure to comply with EA service plan). Rather, if Petitioner received EA benefits for her August 2014 rent, then her 6-month penalty period began tolling in September 2014 and ends as of February 28, 2015. See Exhibit R-1, Notice, dated July 30, 2014(indicating last rent payment was made on August 1, 2014).

By way of comment, the Agency shall refer Petitioner to any and all organizations that may be able to assist with her current needs.

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

*Signed Copy on File*

at DFD, BARA

OCT 21 2014

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Jeanette Page-Hawkins  
Director