



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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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 12392-14 E.R.

AGENCY DKT. NO. C074074 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Emergency Assistance ("EA") benefits because Petitioner had exhausted her lifetime limit of EA and failed to qualify for an EA extension. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2014, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 31, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision from the Agency 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 for this matter, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law that are contained in the 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). For Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipients such as the Petitioner, EA benefits are limited to twelve months, plus two six-month "extreme hardship" extensions. N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is twenty-four months. However, in the event a WFNJ/TANF recipient does

not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for an EA extension under either the Housing Hardship Extension ("HHE") pilot, N.J.A.C. 10:90-6.9, or the Housing Assistance Program ("HAP") pilot, N.J.A.C. 10:90-6.10.

To qualify for an extension under HHE, a WFNJ/TANF recipient must be employable and meet the strict criteria set out in the regulation establishing the pilot program. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid.* To qualify for an extension under HAP, a WFNJ/TANF recipient must be permanently disabled as supported by a WFNJ/MED-1 Form substantiating at least twelve months of disability and have applied for and is either pending approval or appealing a denial for Retirement, Survivors and Disability Insurance ("RSDI") and/or Supplemental Security Income ("SSI") benefits. N.J.A.C. 10:90-6.10(a)(1)(i). A WFNJ recipient who is the sole caretaker of a severely disabled or seriously ill dependent child or family member may also qualify. N.J.A.C. 10:90-6.10(a)(1)(ii).

The record for this matter demonstrates that the Petitioner has received twelve months of EA benefits, two six-month "extreme hardship" extensions, and a twelve month EA extension under HHE. See Initial Decision at 2 and Exhibit R-1 at 8-16. Thus, the only remaining extension under which the Petitioner may receive additional EA is HAP. However, there is nothing on the record which indicates that Petitioner is the sole caretaker of a severely disabled or seriously ill dependent child or family member. Moreover, while the Petitioner claims to have experienced difficulties with her health, she did not provide a MED-1 Form documenting twelve months of disability, nor does she have a pending RSDI or SSI application or appeal. Finally, the Petitioner testified that she is employable and recently obtained part-time employment. As such, the ALJ concluded, and I agree, that the Petitioner failed to demonstrate that she qualifies for an extension under HAP.

By way of comment, the Agency shall refer the Petitioner to any programs or agencies which may assist her needs at this time.

Accordingly, I ADOPT the ALJ's Initial Decision and AFFIRM the Agency determination.

Signed Copy on File
at DFD, BARA

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Jeanette Page-Hawkins
Director