



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 11736-14 L.H.

AGENCY DKT. NO. C171963 (ESSEX COUNTY DIVISION OF WELFARE)

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. The Agency denied Petitioner's application for an extension of EA under HHE contending that Petitioner had the realistic capacity to plan to avert the housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2014, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 8, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ found that Petitioner is compliant with her Work First New Jersey ("WFNJ") requirements and that as an employable WFNJ/Temporary Assistance for Needy Families ("TANF") benefits recipient, Petitioner was eligible to receive an extension of EA under HHE. See Initial Decision at 2-3.

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

As the 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 concur with the ALJ's Findings of Fact and Conclusions of Law, and I hereby ADOPT the Initial Decision and REVERSE the Agency's denial of an extension of EA under HHE to the Petitioner.

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 twelve months, plus limited extensions for "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; N.J.S.A. 44:10-51. Specifically, a WFNJ/TANF recipient may qualify for up to two six month extensions of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA a WFNJ/TANF 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, she may qualify for an extension under the HHE, N.J.A.C. 10:90-6.9. To qualify for an extension under the HHE pilot, a WFNJ/TANF recipient must be employable, willing to seek and accept full-time employment, and meet all other eligibility 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

Here, the record indicates Petitioner is compliant with her WFNJ requirements and no evidence was presented to the contrary by the Agency. As such, I concur with the ALJ that Petitioner meets the eligibility criteria for an extension of EA under HHE and the Agency improperly denied Petitioner that extension.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is REVERSED.

NOV 18 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director