



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 12732-14 N.S.

AGENCY DKT. NO. C185872 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency terminated the Petitioner's EA because she exhausted her lifetime limit for EA benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2014, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 19, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision were filed by the Petitioner on December 3, 2014.

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

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

EA benefits are limited to 12 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 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.

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 the Housing Hardship Extension pilot project ("HHE"), which expands upon the granting of EA extensions for 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 on 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.

The Housing Assistance Program ("HAP") is another pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ 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). There is no indication in the record that Petitioner is disabled, and as such, based upon the record before me, it appears that Petitioner is not eligible for an extension under HAP.

Therefore, after a careful review of the record, I find that the Petitioner has exhausted her lifetime EA limit and all applicable extensions as outlined above. See Exhibit R-1. As such, I agree with the ALJ's finding that the Petitioner does not qualify for an extension of EA.

By way of comment, the Exceptions filed by Petitioner only provide details of past domestic violence. It is not clear if the Petitioner is currently experiencing domestic violence sufficient to qualify for a waiver of the EA lifetime limit under the Family Violence Option Initiative ("FVO"), N.J.A.C. 10:90-20.1 et seq. Therefore, the Agency shall refer Petitioner for a domestic violence assessment in accordance with the FVO. Ibid.

Accordingly, the Initial Decision is ADOPTED and the Agency's determination is AFFIRMED.

DEC 29 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director