



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Jennifer Velez  
Commissioner

Jeanette Page-Hawkins  
Director  
Tel. (609) 588-2000

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

REMAND DECISION

OAL DKT. NO. HPW 10675-14 S.E.

AGENCY DKT. NO. C400325 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and issued an Initial Decision which reversed the Agency determination and directed the grant of EA in the form of Temporary Rental Assistance ("TRA") for 6 months, "but if it can't be approved before lockout, then vouchers weekly until TRA. If TRA denied, Petitioner has a right to fair hearing."

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby MODIFY the Initial Decision and REMAND this matter to the Agency.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In the absence of an adverse action letter, it appears the Agency in material part denied EA under the Housing Hardship Extension ("HHE") pilot because Petitioner exhausted her 12-month lifetime EA limit and applicable extreme hardship extensions.

Page 2

The HHE pilot authorizes up to 12 months of EA to WFNJ/TANF recipients who have exhausted their 12-month lifetime EA limit and applicable extreme hardship extensions and who, in relevant part, are employable and compliant with WFNJ work activities. N.J.A.C. 10:90-6.9(b)(1); -6.9(e)(1) and (e)(2).

The exhaustion of the lifetime EA limit and applicable extensions should prompt additional evaluation of an application under the HHE pilot, not its denial. In the apparent absence of such additional evaluation, I accordingly conclude the Agency failed to prove it appropriately denied EA. N.J.A.C. 10:90-9.5(a)(4); -9.12; 1:1-15.8(c).

Likewise, the record does not support a determination of EA eligibility under the HHE pilot, less the broad relief directed by the Initial Decision. The Agency is responsible in the first instance to determine eligibility under the HHE pilot, and the appropriate form of any EA. N.J.A.C. 10:90-6.9(e)(1); -6.3(a)(1). Unsupported findings that the Agency denied EA because "too much rent owed," and "TRA is 'pending' for new apartment affordable" are inconsistent as to the basis of the Agency's denial of EA, inappropriately presume EA eligibility and are inadequate to support broad, and arguably inconsistent relief. N.J.A.C. 1:1-14.6(i); -15.5(b).

Accordingly, this matter is REMANDED to the Agency to evaluate Petitioner's EA application in accordance with N.J.A.C. 10:90-6.1 and -6.9. The Agency shall provide proper notice of its determination in accordance with N.J.A.C. 10:90-9.1 et seq. If the Agency denies the Petitioner's EA application, the Petitioner shall have the right to a new fair hearing.

For the foregoing reasons, I MODIFY the Initial Decision and REMAND this matter to the Agency for immediate action consistent with this Decision.

*Signed Copy on File*  
at DFD, BARA

**SEP 11 2014**

---

Jeanette Page-Hawkins  
Director