



State of New Jersey

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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 03375-18 C.S.

AGENCY DKT. NO. C233313009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that a member of her assistance unit ("AU") failed to comply with the EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 29, 2018, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner is a WFNJ/TANF benefits recipient who has received at least 20 months of EA benefits, including continued assistance pending the outcome of this fair hearing. See Initial Decision at 2; see also Exhibit R-1 at 20-25. The Agency terminated Petitioner's EA benefits because the father of her children, who was part of Petitioner's assistance unit, failed to comply with the SP. See Initial Decision at 1-2; see also Exhibit R-1 at 1-5, 27, and N.J.A.C. 10:90-6.6(a). Regardless, based on Petitioner's open Division of Child Protection and Permanency ("DCP&P") case, and confirmed approval for subsidized housing, the ALJ determined that Petitioner was eligible for an extreme hardship extension of EA benefits, and reversed the Agency's termination of said benefits. See Initial Decision at 3-4; see also Exhibits P-1, P-2, and N.J.A.C. 10:90-6.4(b). Based on the specific facts of this case, particularly the fact that Petitioner's partner is no longer part of her assistance unit, that she has an open DCP&P case, and that she has been approved for subsidized housing, with housing expected to be available within the next six weeks, I find that Petitioner is eligible for an extreme hardship extension of EA benefits. See Initial Decision at 2-3; see also Exhibits P-1, P-2, and N.J.A.C. 10:90-6.4(b). As such, I concur with the ALJ's ultimate conclusion in this matter. See Initial Decision at 3-4. However, Petitioner is advised that she is only eligible for up to four more months of EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (d).



As the record indicates that the Petitioner has an open case with the DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version. **MAY 07 2018**

Natasha Johnson

Director

