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Director

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 17749-18 K.H.

AGENCY DKT. NO. C254577009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and its denial of an extension of EA benefits. The Agency terminated Petitioner's EA benefits, and denied an extreme hardship extension of EA benefits, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2018, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed on December 21, 2018. On December 24, 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 ("DFD"), 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). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted that the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that, only after conferring with DFD, extensions "may be granted for additional reasons beyond those listed in [the] regulation"). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to take certain actions and to provide the Agency with documentary proof that such actions were completed. See Initial Decision at 2; see also Exhibit R-6, and N.J.A.C. 10:90-6.6(a). The Agency sent Petitioner numerous notifications reminding Petitioner of her SP requirements, and also requested



certain documentation, therein. See Exhibits R-1 through R-5. Petitioner admittedly failed to cooperate with the mandates of her SP for approximately the last five months, resulting in the Agency's termination of her EA benefits. See Initial Decision at 2-3. However, Petitioner testified that she was unable to cooperate with the directives of her SP because she was overwhelmed by the medical care required for her son, who suffers as many as four epileptic seizures a day. *Id.* at 2. Petitioner has received 11 months of EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.4(a). The ALJ found that Petitioner presented evidence that her circumstances warrant the continuation of EA benefits. See Initial Decision at 3; see also Exhibits P-1 through P-3. Based on the foregoing, the ALJ found that Petitioner had good cause for failing to comply with her SP, that she is eligible for an extension of EA benefits for up to six months, and concluded that the Agency's termination of Petitioner's EA benefits was improper. See Initial Decision 3.

I agree with the ALJ's ultimate conclusion, and find that based on Petitioner's particular circumstances, she is eligible for an extreme hardship extension of EA benefits, pursuant to N.J.A.C. 10:90-6.4(b), -6.6(a).

By way comment, Petitioner is advised that any future violation of the terms of her SP may result in the termination of her EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

JAN - 3 2019

Natasha Johnson
Director

