



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
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 02690-19 P.V.

AGENCY DKT. NO. S606399012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his lifetime limit of EA benefits and did not qualify for an extreme hardship extension of those benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 1, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 5, 2019.

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 REJECT 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 ("WFNJ/TANF") benefits 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. See N.J.A.C. 10:90-6.4(d)(2).

Here, the record reflects that Petitioner is a WFNJ/TANF benefits recipient, with two children, who had received 17 months of EA benefits as of January 2019, and as such, he had exhausted his 12-month lifetime limit of EA benefits, plus five months of EA benefits under an extreme hardship extension. See Initial Decision at 2-3; see also Exhibits R-6, R-7, and N.J.A.C. 10:90-6.4(a), (b), (d). The Agency determined that Petitioner did not qualify for an extreme hardship extension of EA benefits,



and terminated his EA benefits. See Initial Decision at 3-4; see also Exhibits R-8, R-9, and N.J.A.C. 10:90-6.4(a), (b). The ALJ in this matter agreed with the Agency's termination of Petitioner's EA benefits. See Initial Decision at 6. I respectfully disagree.

Although Petitioner does not meet the specific criteria set forth in N.J.A.C. 10:90-6.4(b)(1), the listed criteria are not exhaustive, and therefore, based on Petitioner's work history, and in an effort to move him toward self-sufficiency, I find that he is eligible for an additional extreme hardship extension of EA benefits. See Initial Decision at 3-5; see also Exhibit R-2 at 3, and N.J.A.C. 10:90-6.4(d)(2). However, Petitioner is advised that he is only eligible for an extreme hardship extension of EA benefits for up to seven more months, provided he continues to remain eligible for same. See N.J.A.C. 10:90-6.1 et seq. As such, Petitioner is strongly advised to secure employment, and to work with the Agency to resolve his transportation issues. Based on the foregoing, I reverse the Agency's termination of Petitioner's EA benefits.

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

Officially approved final version.

Natasha Johnson
Director

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