



State of New Jersey

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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 15218-18 Z.B.

AGENCY DKT. NO. S918255009 (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 because she had exhausted her 12-month lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 15, 2018, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 6, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination that Petitioner had exhausted her 12-month lifetime limit of EA benefits, but finding her eligible for an extension of said benefits.

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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination.

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Under the 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/General Assistance ("WFNJ/GA") recipient may qualify for up to an additional six months 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(c). According to N.J.A.C. 10:90-6.4(b)(1)(i), one type of extreme hardship is when "[t]here is the danger of a loss of employment or a bona fide offer of employment[.]" Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits. See Initial Decision at 3. However, based on Petitioner's credible testimony regarding upcoming freelance employment, and her inability to realize such employment if she were to be homeless, the ALJ found



Petitioner eligible for a six-month extreme hardship extension of EA benefits, contingent upon her providing confirmation that she has indeed secured such freelance clients as claimed. Id. at 2-3; see also Exhibit P-1, and N.J.A.C. 10:90-6.4(b)(1)(i). While I agree that Petitioner would be eligible for an extreme hardship extension of EA benefits upon proof of bona fide employment, I find that she is only eligible for EA benefits for up to six months, provided that she continues to remain otherwise eligible for same. Specifically, the record indicates that Petitioner is expecting to receive income from such freelance employment by February 12, 2018, at which time, after the initial 100 percent disregard is applied to that income, it appears that she may become ineligible for WFNJ/GA benefits, which in turn would make her ineligible for EA benefits. See Initial Decision at 2; see also Exhibits P-1, P-2, P-3, and N.J.A.C. 10:90-3.1(c), -3.5(b), -6.2(a). Further, Petitioner is advised that she has 15 days from the date of the issuance of this Final Agency Decision to provide the Agency with proof of freelance employment as claimed. See Initial Decision at 2; see also Exhibits P-1, P-2, P-3. If such proof is not provided to the Agency within the time frame specified, the Agency's termination of Petitioner's EA benefits shall stand. See "Notification Form" dated September 18, 2018. The Initial Decision, as well as the Agency's determination, are modified to reflect this finding.

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

Officially approved final version.

JAN 24 2019

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Natasha Johnson

Director

