



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 2149-20 K.D.

AGENCY DKT. NO. C627015007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits in the form of back rent, contending that she failed to provide the documentation required to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 27, 2020, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 29, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, based on the discussion below.

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.

The record in this matter substantiates that, at the time Petitioner applied for EA/TRA benefits on October 28, 2019, she had received six months of EA/TRA benefits, not 14 months as stated by the Agency's representative at the hearing. See Initial Decision at 2; see also Exhibits R-1, R-3, R-5. Therefore, Petitioner is eligible for up to an additional six months of EA benefits under her lifetime limit, before any application for an extreme hardship extension of such benefits is required. See N.J.A.C. 10:90-6.4(a). Accordingly, I find Petitioner did not have to demonstrate that her family would suffer an extreme hardship if additional EA/TRA were denied, as opined by the ALJ. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(a). The Initial Decision is modified to reflect this finding.



Further, when Petitioner applied for EA/TRA benefits in the form of back rent, the Agency required Petitioner to provide a ledger demonstrating the amount of back rent that was due, and proof of eviction. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(a)(1)(ii). By notice dated October 28, 2019, the Agency advised Petitioner that her application for EA/TRA benefits was pending until such time as the Agency received the aforementioned documentation. See Initial Decision at 2-3; see also Exhibit R-2. It appears from the record that such documentation was not forthcoming, and by notice date November 27, 2019, the Agency denied Petitioner EA/TRA benefits because she had failed to provide the documentation needed to determine her EA benefits eligibility. See Initial Decision at 2; see also Exhibit R-4. The ALJ found that Petitioner had failed to provide the required documentation, concluded that the Agency's issuance of its October 28, 2019, pending notice requiring Petitioner to provide proof of past due rent and proof of eviction was proper, and affirmed the Agency's determination on the basis of that notice. See Initial Decision at 4; see also Exhibit R-2. While I agree with the ALJ, that Petitioner failed to provide the Agency with the documentation it requested, the transmittal in this case reflects that Petitioner appealed the Agency's November 27, 2019, denial of EA/TRA benefits, and it is the Agency's denial of EA benefits found in that notice, that I find proper and must affirm. See Initial Decision at 4; see also Exhibit R-4, and N.J.A.C. 10:90-2.2(a)(5), -6.3(a)(1)(ii). The Initial Decision is also modified to reflect this finding.

By way of comment, Petitioner may reapply for EA/TRA benefits and must provide the Agency with documentation of the amount of back rent owed to the landlord. However, at this time, Petitioner does not need to provide the Agency with proof of eviction. See State of New Jersey Executive Order No. 106 (March 19, 2020). The Agency is directed to process Petitioner's EA benefits application on an expedited basis. Petitioner is advised that should she again be denied EA/TRA benefits, that she may request a fair hearing on that denial.

By way of further comment, the transmittal in this matter also indicates a contested issue regarding a sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a WFNJ/TANF benefits sanction, she may also request another fair hearing on that issue.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

MAY 14 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

