



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **02732-23 B.H.**

AGENCY DKT. NO. **C387895007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, and that she had exhausted her lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 25, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND the matter to the Agency, 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.

N.J.S.A. 44:10-51(a)(4) (also known as [EA] 7-Year Disregard) provides, in part, that "all months of emergency assistance received more than 84 months from the date of application for emergency assistance shall not be counted toward the cumulative 12-month limit of emergency assistance." See also DFD Instruction ("DFDI") 19-07-01.

Supplemental Security Income ("SSI") recipients, who have exhausted their EA benefits, including all available extensions, may be referred by the Agency for Intensive Case Management ("ICM") services. See DFDI 17-01-01 at 1. The ICM program, administered through a community based



provider, was designed to provide short term rental payments to SSI recipients, who had exhausted their EA time limits, while also assisting them with securing an affordable housing arrangement. Id. at 2.

Here, based on the credible testimony presented by the Petitioner, and the Agency's failure to present any credible evidence to show that Petitioner caused her own homelessness, the ALJ found that Petitioner had taken all reasonable steps to address her emergent situation, and therefore, did not cause her own homelessness. See Initial Decision at 2-6. Specifically, the ALJ found that Petitioner had lost her job during the COVID-19 pandemic due to no fault of her own, that she had diligently looked for employment, and continues to do so, that she had obtained additional job training, and that she had used her household income on necessary items only. Id. at 2, 4-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits on the basis that Petitioner caused her own homelessness, was improper and must be reversed. Id. at 6-7; see also Exhibit R-1 at 13-17, and N.J.A.C. 10:90-6.1(c) (3). I agree.

Additionally, the ALJ found that Petitioner had exhausted her 12-month lifetime limit of EA benefits, and that she qualified for an extreme hardship extension of those benefits in accordance with N.J.A.C. 10:90-6.4(b)(1)(ii). See Initial Decision at 3-6. On that basis, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 6; see also Exhibit R-1 at 13-17. I disagree. Rather, the record indicates that Petitioner has received 27 months of EA benefits, and as such, I find that she would not be eligible for any additional extreme hardship extensions of EA benefits. See Exhibit R-1 at 14; see also N.J.A.C. 10:90-6.4(a), (b), (d). Nevertheless, I take official notice of the fact that the records of this office indicate that Petitioner last received EA benefits for the years 2012 through 2015, with additional EA having been granted in 2019 through the SSI child only, and as such, she appears to be eligible for additional EA benefits in accordance with the EA "7-Year Disregard." See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4); see also N.J.S.A. 44:10-51(a)(4), and DFDI 19-07-01. Further, I find that, as Petitioner has six minor children in her household, one being an SSI benefits recipient, she is a good candidate for the ICM/State Rental Assistance Program ("SRAP"). See Initial Decision at 2; see also DFDI 17-01-01. Based on the foregoing, I hereby modify the Initial Decision, modify the Agency's determination, remand the matter to the Agency, and direct that the Agency to reevaluate Petitioner for EA benefits eligibility pursuant to N.J.S.A. 44:10-51(a)(4), and DFDI 19-07-01, and to refer Petitioner to the ICM program, on an expedited basis. See DFDI 17-01-01.

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

Officially approved final version.

May 11, 2023

Natasha Johnson

Assistant Commissioner

