



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 15222-15 B.B.

AGENCY DKT. NO. V481451 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he exhausted his lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2015, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 15, 2015, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A Supplemental Security Income ("SSI") recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). 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 the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD"). Thus, the maximum amount of EA benefits that an SSI recipient may receive is 18 months.

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Here, the record shows that Petitioner is an SSI recipient, who has received 12 months of EA benefits. See Initial Decision at 2. Also, the record shows that Petitioner is legally blind, has been searching for subsidized housing, and is on three waiting lists for public housing. Ibid. Additionally, the fair hearing transmittal sheet shows that Petitioner has been receiving continued EA pending the outcome of this matter. Although it is not clear from the record exactly how many months of EA Petitioner has received, to date, it appears that he may have additional months of EA available under the extreme hardship extension. See N.J.A.C. 10:90-6.4(a). Therefore, I am remanding the matter back to the Agency to reevaluate Petitioner for EA benefits under the extreme hardship extension. The Initial Decision is modified to reflect this finding.

By way of comment, the HAP and HHE pilot programs expired on July 2, 2015, and no new applications for HAP or HHE are being accepted after July 6, 2015. See DFD Instruction No. 15-07-02.

Accordingly, the Initial Decision is MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the discussion above.

Signed Copy on File
at DFD, BARA

JAN 27 2016

Natasha Johnson
Director