



State of New Jersey

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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 18043-17 C.L.

AGENCY DKT. NO. C086353020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of three months back rent. The Agency denied Petitioner EA benefits contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 2, 2018, but the Agency failed to appear, and the matter was rescheduled for hearing on January 5, 2018. On January 5, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 5, 2018, 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 hereby ADOPT 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 Supplemental Security Income ("SSI") benefits 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). 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. Thus, the maximum amount of EA benefits that an SSI benefits recipient may receive is 18 months.

Here, the record reflects, and the Agency acknowledged, that Petitioner has only received 15 months of EA benefits. See Initial Decision at 2-3; see also "Pay History." Petitioner applied for EA benefits in the form of three months back rent. See Initial Decision at 3. The ALJ found that Petitioner is eligible for an additional three months of EA benefits because an unexpected car repair expense, specifically, due to her car having been stolen, resulted in a financial hardship which made her unable to pay her rent, and that N.J.A.C. 10:90-6.4(b) allowed for such an extension of EA benefits because the eligibility criteria cited therein is not exhaustive. See Initial Decision at 3-4. Further, the ALJ found that Petitioner will be able to afford her rent going forward based on her monthly SSI benefits amount. Id. at 2, 4. Based on the foregoing, the ALJ concluded that Petitioner is eligible for EA benefits in the form of three months back rent, and that the Agency's denial of said benefits was improper and must be reversed. Id. at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a), (b). I agree.



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By way of comment, I find that Petitioner is eligible for EA benefits in the form of three months back rent only, and that she is not eligible for another six-month extreme hardship extension as opined by the ALJ. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(a), (b), (c).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

JAN 17 2018

Natasha Johnson

Director

