



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

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*Acting Commissioner*

Natasha Johnson  
*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

REMAND DECISION

OAL DKT. NO. HPW 3787-15 A.B.

AGENCY DKT. NO. C168621 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extreme hardship extension of Emergency Assistance ("EA") benefits, N.J.A.C. 10:90-6.4(d)(2). The Agency denied Petitioner's application for an extreme hardship extension because she failed to submit proof of her husband's employment or offer of employment to support her request for an extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 25, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 26, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 REJECT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the following discussion.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

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EA benefits are limited to twelve months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for up to two six month extensions of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is twenty-four months. Pursuant 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 ..."

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for the Housing Hardship Extension ("HHE") pilot, which expands upon the granting of EA extensions for WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA benefits and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA benefits. *Ibid.*

The record indicates that Petitioner has received 12 months of EA benefits, plus three additional months of EA benefits under an extreme hardship extension. See Initial Decision at 2. The record further indicates that the Agency provided Petitioner with the three additional months of EA benefits under an extreme hardship extension based on Petitioner's contention that her husband was offered employment. *Ibid.* At the end of Petitioner's three month extension, Petitioner applied for another extreme hardship extension, and was denied by the Agency because Petitioner did not provide the Agency with proof of employment, and the imminent danger of loss of that employment if an extreme hardship extension were not granted, or proof of a bona fide offer of employment, as required by N.J.A.C. 10:90-6.4(b)(1)(i). See *id.* at 2-3. Additionally, the record indicates that Petitioner and her spouse are employable and compliant with their WFNJ work activity. See *id.* at 2.

Based on the foregoing facts, I find that although Petitioner may not qualify for EA benefits under the extreme hardship extension, she appears to qualify for an extension of EA benefits under HHE. While I concur with the ALJ's recommendation that Petitioner receive additional EA benefits under HHE, there are other criteria for eligibility under HHE that may need to be taken into consideration by the Agency before providing Petitioner with an extension of EA benefits under HHE. Therefore, I reject the ALJ's decision and find that the Agency shall determine Petitioner's HHE eligibility, the most appropriate form of EA benefits, and number of EA units for Petitioner's situation. See N.J.A.C. 10:90-6.9, -6.3(a)(1). Accordingly, I remand this

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matter back to the Agency to reevaluate Petitioner's eligibility for an extension of EA benefits under HHE, on an expedited basis.

By way of comment, Petitioner is without prejudice to request another fair hearing should the Agency deny her an extension of EA benefits under HHE.

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

APR - 9 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director