



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
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

FINAL DECISION

OAL DKT. NO. HPW 03739-15 C.W.

AGENCY DKT. NO. GA40376 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and termination of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because he failed to provide the Agency with the documentation needed to determine WFNJ/GA eligibility. Also, the Agency terminated Petitioner EA benefits because he was not a WFNJ/GA recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 30, 2015, the Honorable Jeffrey A Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 30, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action and ordered the Agency to extend EA benefits for the month of April.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. N.J.A.C. 10:90-1.1(b).

In order to be found eligible WFNJ/GA for benefits, the applicant must provide all necessary documentation requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5). The Agency has the responsibility, however, to secure verification from secondary sources as necessary in order to determine eligibility. N.J.A.C. 10:90-1.6(a).

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 the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and 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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Only WFNJ cash assistance recipients and Supplemental Security Income recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2.

EA benefits are limited to twelve cumulative months, plus limited extensions for an "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(b); see also N.J.S.A. 44:10-51. Specifically, a WFNJ/GA recipient may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/GA recipient may receive is 18 months.

It appears from the record that Petitioner applied for WFNJ/GA benefits on or about November 13, 2014, and was provided EA benefits, in the form of shelter placement, on an immediate needs basis. See Initial Decision at 2; see also Exhibit R-1. It also appears from the record that Petitioner's WFNJ/GA application remained open because the Agency was awaiting documentation needed to determine his WFNJ/GA eligibility, during which time, the Agency continued to provide Petitioner with EA benefits in the form of shelter placement. *Ibid.* However, when Petitioner failed to provide the Agency with the required documentation, his application for WFNJ/GA benefits was finally denied, on February 27, 2015, and his EA benefits properly terminated. *Ibid.* At the time Petitioner was denied WFNJ/GA benefits, he had received 8 months of EA benefits. See Initial Decision at 2. As the lifetime limit for EA benefits is 12 months for a WFNJ/GA recipient, Petitioner is only potentially eligible for an additional 4 months of EA benefits, unless he qualifies for an extreme hardship extension. See N.J.A.C. 10:90-6.4(a),(b).

However, it appears that Petitioner reapplied for WFNJ/GA benefits on March 18, 2015, and that application is pending approval, awaiting Petitioner's completion of his 28-day WFNJ work activity, and various documentation. See Exhibit R-1. Further, the record indicates that Petitioner is facing imminent homelessness if his April shelter payment is not made. See Initial Decision at 2. In regards to addressing Petitioner's immediate housing concerns, I note that N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application." Immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." N.J.A.C. 10:90-1.3(a)(1). "In situations where immediate need exists and other appropriate services are not immediately available to meet the needs of the assistance unit, or if the applicant expresses a need for [EA], the [Agency] shall ensure that the application is processed that day" N.J.A.C. 10:90-1.3(a)(2).

Accordingly, the Agency is directed to process Petitioner's WFNJ/GA application, in an expedited manner, and to provide Petitioner with EA benefits in the form of shelter placement for the month of April 2015, on an immediate needs basis. See N.J.A.C. 10:90-1.3(a)(2). Further, if Petitioner is found to be eligible for WFNJ/GA benefits, the Agency is directed to reevaluate Petitioner for EA benefits, in an expedited manner, as well.

By way of comment, Petitioner is directed to immediately provide the Agency with any and all documentation required to process his WFNJ/GA application, if he has not already done so. Further, Petitioner is without prejudice to request another fair hearing should the Agency deny him WFNJ/GA and/or EA benefits.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

APR - 9 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director