



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
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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 15699-14 E.G.

AGENCY DKT. NO. GA404299 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of an "extreme hardship" extension of Emergency Assistance ("EA") benefits because he did not meet applicable eligibility criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On March 3, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). 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 Work First New Jersey/General Assistance ("WFNJ/GA") recipient, such as Petitioner, may

qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA that a WFNJ/GA benefit recipient may receive is 18 months. Ibid.

The ALJ in this matter opined that the Agency had "no basis" to deny Petitioner's request for a six-month extreme hardship extension as Petitioner had complied with his service plan. See Initial Decision at 2. Thus, the ALJ concluded that Petitioner was to be granted a six-month extreme hardship extension of EA. See *id.* at 2-3. I disagree with this conclusion.

N.J.A.C. 10:90-6.4(b)(1) states, in pertinent part, "Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county...the WFNJ...recipient has taken all reasonable steps to resolve the emergent situation but the emergency nonetheless continues...which causes extreme hardship to the family. The following list [of criteria] is not intended to be exhaustive, nor should it be interpreted as preventing county ... agencies from considering other situations not specifically mentioned in the list. Nevertheless, the Agency shall confer with DFD if individual ... circumstances which are offered as a reason for extending EA represent a departure from the categories provided herein." See N.J.A.C. 10:90-6.4(b)(1).

A review of the record shows that Petitioner does not meet any of the enumerated criteria in N.J.A.C. 10:90-6.4(b)(1)(i-v) that would render Petitioner eligible for an extension of EA on the basis of extreme hardship. In the instant matter, the Agency, as is within its authority and discretion to do, denied Petitioner's EA request because he had exhausted his cumulative lifetime EA benefit limit. As such, I find that the Agency properly denied Petitioner an extension of EA on the basis of extreme hardship.

Petitioner is without prejudice to reapply for EA benefits if he meets any of the criteria referenced above.

Accordingly, the Initial Decision is REJECTED and the Agency determination is AFFIRMED.

**MAY 12 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director