



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director

Tel (609) 588-2000

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 1175-15 G.W.

AGENCY DKT. NO. GA42474 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA because Petitioner had exhausted his lifetime limit of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 29, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On January 30, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision.

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 eighteen months. *Ibid.*

If the WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP"). HAP is a pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ/GA and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1).

HHE is another pilot program which also expands upon the granting of EA extensions, but only for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients, not WFNJ/GA benefits recipients. See N.J.A.C. 10:90-6.9.

After an independent review of the record, Petitioner has in fact received nineteen months of EA, thus exhausting his lifetime limit and the available six-month extreme hardship extension. See Exhibit R-2 at 1-4. The record is devoid of any evidence that enables Petitioner to qualify for additional EA at this time. There is no indication in the record that Petitioner is disabled as he is neither a SSI recipient/applicant nor a holder of a valid Med-1 form, and is therefore not eligible for an extension under HAP. See N.J.A.C. 10:90-6.10(a)(1). Moreover, as Petitioner is not a WFNJ/TANF recipient, but rather a WFNJ/GA recipient, Petitioner is not eligible for an EA extension under HHE. Therefore, I concur with the ALJ's conclusion that Petitioner has exhausted his lifetime limit of EA benefits and does not qualify for any further extension of EA at the present time.

By way of comment, Petitioner asserts he did not receive notice of termination of EA benefits. See Initial Decision at 2. However, Petitioner was advised in late March 2014 that his EA benefits would terminate effective October 31, 2014, at the conclusion of the six month extension. See Exhibit R-1 at 2.

By way of further comment, Petitioner is without prejudice to reapply for EA benefits if his circumstances change and he meets the regulatory criteria outlined above.

Based upon the foregoing, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

FEB 11 2015

Jeanette Page-Hawkins
Director