



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 5029-14 H.E.

AGENCY DKT. NO. C211979 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 20, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied EA based upon a determination Petitioner did not qualify for an extreme hardship extension and was not eligible for an extension of EA under the Housing Assistance Program ("HAP") pilot. The ALJ reversed the Agency determination and found Petitioner eligible for EA under the Housing Hardship Extension ("HHE") pilot. I agree.

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The ALJ found Petitioner exhausted her 12-month lifetime EA limit and two 6-month extreme hardship extensions. N.J.A.C. 10:90-6.4. Petitioner is therefore not eligible for an extreme hardship extension.

The HAP pilot authorizes an extension of EA for up to 24 months for qualified WFNJ recipients who are permanently disabled and Supplemental Security Income ("SSI") recipients who are in danger of imminent homelessness. N.J.A.C. 10:90-6.10. There is no evidence Petitioner is permanently disabled or an SSI recipient. In addition, there is no evidence Petitioner in relevant part has a pending application for, or an appeal from the denial of, Retirement, Survivors and Disability Insurance and/or SSI benefits, and a Med-1 form substantiating at least 12 months of disability. N.J.A.C. 10:90-6.10(a)(1). Petitioner is therefore not eligible for an extension of EA under the HAP pilot.

The ALJ found the Agency failed to determine whether Petitioner was eligible for an extension of EA under the HHE pilot which authorizes up to 12 months of EA to WFNJ/TANF recipients who have exhausted their 12-month lifetime EA limit and applicable extreme hardship extensions and who, in relevant part, are employable and compliant with WFNJ work activities. N.J.A.C. 10:90-6.9.

The ALJ found Petitioner exhausted a total of 31 units of EA, and had remaining eligibility under the HHE pilot. Although the adverse action letter references exhaustion of 36 units of EA, the record does not include an EA history and the Agency did not submit exceptions. The ALJ further found sufficient credible evidence Petitioner was eligible for an extension of available EA under the HHE pilot.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

*OCT 31 2014*

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director