



DEPARTMENT OF HUMAN SERVICES

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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 6130-15 J.H.

AGENCY DKT. NO. GA555441 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she had exhausted her lifetime limit and did not qualify for an extension program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 29, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 and AFFIRM the Agency's determination.

A Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional 6-months of EA when an "extreme hardship" exists pursuant to subsection (b)(1). See N.J.A.C. 10:90-6.4(c). However, it is the Agency that shall determine whether an extreme hardship continues to exist. See N.J.A.C. 10:90-6.4(c)(1).

If the WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under Housing Assistance Program ("HAP"), which 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 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).

The Housing Hardship Extension ("HHE") is another pilot program which also expands upon the granting of EA extensions, but is only for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients. See N.J.A.C. 10:90-6.9.

Here, the record indicates that Petitioner has received 17 months of EA while under the WFNJ/TANF program and an additional 15 months of EA while receiving WFNJ/GA. See Initial Decision at 2. Based upon the record presented, Petitioner has exhausted her two extreme hardship extensions. N.J.A.C. 10:90-6.4(b). In addition, there is no evidence Petitioner meets any of the criteria to be eligible for an extension of EA benefits via HAP. She has neither applied for SSI or receives SSI benefits, and has failed to provide a valid Med-1 form indicating a disability. See Initial Decision at 3. Finally, as Petitioner is no longer a WFNJ/TANF recipient, but rather a WFNJ/GA recipient, she is not eligible for an EA extension under HHE. Therefore, I concur with the ALJ that Petitioner has exhausted her lifetime limit of EA and is not entitled to an extension under the extreme hardship provision, HHE, or HAP.

By way of comment, the adverse action notice states Petitioner is not currently GA eligible. See Exhibit R-1. However, the ALJ did not expound on this issue in the Initial Decision and there is no other information available in the record to determine whether Petitioner is still eligible for WFNJ/GA. Because this issue is not outcome determinative in this matter, it will not be addressed in this decision.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination is AFFIRMED.

JUN 23 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director