



## 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*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 4052-15 J.P.

AGENCY DKT. NO. C066362 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits and the termination of her existing EA benefits. The Agency denied/terminated Petitioner's application because she has exhausted her lifetime limit of EA and did not qualify for any further extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 11, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

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 record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The record reveals that 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. See Initial Decision at 2. In addition, Petitioner has received 41 months of EA since January of 2005. *Ibid.*; see also Exhibit R-1 at 23-29.

Petitioner applied for an extension of EA, stating that she would be in danger of losing a bona fide offer of employment if she was not granted an EA hardship extension. See Exhibit R-1 at 11. By adverse action notices, both dated March 2, 2015, the Agency denied Petitioner's extension request, see Exhibit R-1 at 19-22, for failing to meet the regulatory eligibility criteria, and also terminated Petitioner's EA effective March 12, 2015, because she had exhausted all available EA. See Initial Decision at 2; see also Exhibit R-1 at 15-18.

EA is limited to 12 lifetime cumulative months, plus limited extensions. See N.J.A.C. 10:90-6.4(a), (b) and (d). Specifically, a WFNJ/TANF recipient may qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(d). In the event the recipient's extreme hardship continues at the expiration of the six-month extension period, an additional six months of EA may be provided. See N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA that a WFNJ/TANF recipient may receive is 24 months.

At the hearing, the ALJ found that, because Petitioner has exhausted her lifetime limit of EA, plus all available extensions, she is not eligible for any additional EA. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.4(a) and -6.4(b). Further, the ALJ found that Petitioner is not eligible for an EA extension under the Housing Assistance Program ("HAP") pilot. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.10(a). HAP extensions are only available to WFNJ and Supplemental Security Income ("SSI") recipients who are permanently disabled or have various medical conditions that render them unemployable. See Initial Decision at 3-6; see also N.J.A.C. 10:90-6.10(a)(1). The ALJ stated that Petitioner has not presented any evidence of a disability or medical condition, nor is she an SSI recipient, and therefore, does not qualify for a HAP extension. See Initial Decision at 5-6. The ALJ also found that Petitioner is not eligible for EA extension under the Housing Hardship Extension ("HHE") pilot program. See *id.* at 4-6; see also N.J.A.C. 10:90-6.9. Based on the foregoing, the ALJ concluded that because Petitioner has exhausted her lifetime limit of EA, plus all applicable extensions, she is not eligible for further EA. See Initial Decision at 6. I agree with this determination and further note that based upon the evidence presented, Petitioner has exhausted her available EA under the extreme hardship provisions, as well as under HHE, having received a total of 41 months of EA benefits. See N.J.A.C. 10:90-6.4(d) and -6.9.

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

*Signed Copy on File*

at DFD, BARA

**JUL - 6 2015**

\_\_\_\_\_  
Natasha Johnson

Director