



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 12478-15 K.M.

AGENCY DKT. NO. C153775 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits because she has exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 14, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 2, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A WFNJ/TANF recipient may qualify for two six-month EA extensions if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction ("DFDI") 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD"). Thus, the maximum amount of EA benefits that a WFNJ/TANF cash recipient may receive is 24 months.

The Housing Assistance Program ("HAP") and the Housing Hardship Extension ("HHE") pilot programs expired on July 2, 2015, and no new applications for HAP or HHE are being accepted after July 6, 2015. See DFDI 15-07-02.

Here, the record indicates that, as of March 1, 2014, Petitioner had received 26 months of EA benefits, which included the 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions, and two months under HHE. See Initial Decision at 2; see also Exhibit R-1 at 1-5.

Regardless of the ALJ's finding that Petitioner is facing a continued emergency, and another extreme hardship, the fact is, Petitioner has already received the two six-month extreme hardship extensions allowable under N.J.A.C. 10:90-6.4(a), (b). See Initial Decision at 6-7. Additionally, the record indicates that Petitioner applied for an extension of EA benefits under HHE, on July 9, 2015, which was after HHE had expired. See DFDI 15-07-02. Therefore, Petitioner is ineligible for an extension of EA benefits under HHE. Based on the foregoing, I find that the Agency properly denied Petitioner an extension of EA benefits.

By way of comment, upon the instruction of the ALJ, a copy of the Initial and Final Decisions shall be forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS.

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

NOV 20 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director