



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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*Acting Commissioner*

Natasha Johnson  
*Director*

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 14843-14 L.R.

AGENCY DKT. NO. C036436 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On February 3, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination based upon a finding Petitioner was not eligible for an extension of EA benefits.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

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 12 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/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

In the event a WFNJ/TANF benefits recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for an extension of EA benefits under the Housing Hardship Extension ("HHE") pilot program, which expands upon the granting of EA extensions for WFNJ/TANF benefits recipients. See N.J.A.C. 10:90-6.9. To qualify for an extension of EA benefits under the HHE pilot program, the WFNJ/TANF benefits recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF benefits recipient may receive up to an additional 12 months of EA benefits. *Ibid.*

The Housing Assistance Program ("HAP") is another pilot program that expands upon the extensions of EA benefits. However, the HAP pilot program was designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") benefits 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). To be eligible for an extension of EA benefits under the HAP pilot program, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

The record in this matter reveals that Petitioner has to date exhausted more than 45 months of EA benefits. Exhibit R-1 at 41-50. This includes, but is not limited to, exhaustion of her 12-month lifetime EA benefits limit, two six-month "extreme hardship" extensions, and a 12-month extension of EA benefits under the HHE pilot program. Exhibit R-1 at 24-29, 41-50. I agree with the ALJ that Petitioner is not presently eligible an extension of EA benefits under the Family Violence Option Initiative ("FVO Initiative"), in material part because the victim of the abuse has

reached the age of majority and moved out of Petitioner's apartment. Initial Decision at 2-3; Exhibit R-1 at 34. There is no evidence Petitioner is presently eligible for an extension of EA benefits under the HAP pilot program.

In total, Petitioner is not presently eligible for an extension of EA benefits. Petitioner may, without prejudice, apply for an extension of EA benefits under the HAP pilot program or the FVO Initiative, subject to applicable eligibility criteria.

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

**APR - 6 2015**

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director