



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

REMAND DECISION

OAL DKT. NO. HPW 18324-15 M.G.

AGENCY DKT. NO. C606411 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that she did not qualify for an extension of EA benefits under the Family Violence Option Initiative ("FVO"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 20, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

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, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

Pursuant to N.J.A.C. 10:90-20.1(b), the FVO Initiative allows an individual to request EA benefits due to domestic violence, as well as request the waiver of program or time-limit requirements.

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 Work First New Jersey/Temporary Assistance for Needy Families ("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 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.

Here, the Agency denied Petitioner an extension of EA benefits because she did not qualify for an extension under the FVO as set forth in N.J.A.C. 10:90-20.1(b). See Initial Decision at 2. Specifically, the Agency referred Petitioner for a domestic violence (“DV”) assessment, on October 20, 2015, in accordance with N.J.A.C. 10:90-20.2(a)(iv), and the results indicated “No current safety issues due to DV or sexual assault,” and that she would not be placed at risk of further DV if her EA benefits were terminated due to time limits. See R-2 at 2. Accordingly, I find that the Agency properly denied Petitioner an extension of EA benefits on that basis.

However, the ALJ found that Petitioner was eligible for an extreme hardship extension of EA benefits pursuant to N.J.A.C. 10:90-6.4(b)(iii) (providing that an extension of EA benefits may be granted when “[t]he recipient adult or child is in imminent physical danger or at risk of abuse and neglect.”) See Initial Decision at 3. I respectfully disagree. Particularly, the Initial Decision does not adequately explain the circumstance upon which Petitioner is eligible for an extension of EA benefits based on her past DV. Rather, the ALJ merely concludes that the aforementioned extreme hardship criterion applies to Petitioner, and orders the Agency to pay her back rent and provide her with EA benefits going forward. *Id.* at 3, 4. Moreover, the record does not indicate how many months of EA benefits Petitioner has received, or whether she has already received the time allotted under the extreme hardship extension. See N.J.A.C. 10:90-6.4(b).

Nevertheless, it appears from the record that once the Agency determined Petitioner was not eligible for an extension of EA benefits under the FVO program, it did not allow Petitioner to complete an application for EA benefits under the extreme hardship extension. See Initial Decision at 4. Therefore, I am reversing the Agency’s denial of EA benefits, on this basis, and remanding the matter back to the Agency for it to evaluate Petitioner for EA benefits under the extreme hardship extension, set forth at N.J.A.C. 10:90-6.4(b).

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Accordingly, the Initial Decision is REJECTED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the discussion above.

Signed Copy on File

at DFD, BARA

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Natasha Johnson
Director