



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
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

REMAND DECISION

OAL DKT. NO. HPW 11687-15 M.H.

AGENCY DKT. NO. C635150 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that Petitioner had the capacity to plan to avoid his emergent situation, but failed to do so; and that his housing will not be affordable going forward. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 4, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 9, 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 MODIFY 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. 10:90-6.4(b)(2), "Recipients who are in applicant status for Supplemental Security Income ("SSI"), or have been denied but have appealed the denial, shall receive a six-month extension of [EA]. This needs to be supported by medical documentation."

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Regardless of the ALJ's finding that Petitioner was following a plan to continually seek employment, find a job, and be self-reliant for himself and his family, Petitioner must meet the criteria for an extension of EA benefits under the extreme hardship extension in order to be eligible for continued EA benefits. See Initial Decision at 3.

Here the record indicates that Petitioner has received more than the 12-month lifetime limit of EA benefits. *Id.* at 2; see also N.J.A.C. 10:90-6.4(a). Therefore, in order for Petitioner to be eligible for continued EA benefits he must meet at least one of the five eligibility criteria for an extreme hardship extension as set forth in N.J.A.C. 10:90-6.4(b)(1); or have applied for SSI, or have been denied SSI but have appealed the denial. See N.J.A.C. 10:90-6.4(b)(2). Based on a review of the record, I find that Petitioner does not meet the criterion necessary to qualify for an extension of EA benefits under an extreme hardship, in accordance with N.J.A.C. 10:90-(b)(1)(ii), as concluded by the ALJ; or any of the other criteria set out in N.J.A.C. 10:90-6.4(b)(1). See Initial Decision at 8, 4.

However, based on the documents received from OAL on September 8, 2015, and transmitted to DFD in the case file, I find that Petitioner may be eligible for an extreme hardship extension in accordance with N.J.A.C. 10:90-6.4(b)(2), cited above. Specifically, the documents provided in the transmitted case file indicate that Petitioner applied for SSI benefits on July 22, 2015, and his wife applied for SSI benefits on August 3, 2015. Therefore, I remand the matter back to the Agency to reevaluate Petitioner for an extension of EA benefits under the extreme hardship extension, in accordance with N.J.A.C. 10:90-6.4(b)(2). I modify the ALJ's Initial Decision to reflect this finding.

Accordingly, the Initial Decision is MODIFIED, 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

OCT 27 2015

Natasha Johnson
Director