



*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 11427-14 M.P.

AGENCY DKT. NO. C374872 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

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.

The Agency denied an extension of EA under the Housing Hardship Extension ("HHE") pilot, ostensibly because Petitioner had a balance of Unemployment Insurance Benefits ("UIB"). The ALJ found that the Petitioner had been denied UIB and that the payment of retroactive EA in the form of Temporary Rental Assistance ("TRA") and utilities would facilitate a transition to gainful employment. I agree.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve months, plus limited extensions for "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; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for up to two six month extensions of EA when an "extreme hardship" exists. *Ibid*. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is twenty-four months.

In the event an employable WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for an extension under the HHE, N.J.A.C. 10:90-6.9. To qualify for an extension under the HHE pilot, a WFNJ/TANF recipient must be employable, willing to seek and accept full-time employment, and meet all other eligibility criteria set out in the regulation establishing the pilot program. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid*

Here, the record demonstrates that the Petitioner exhausted 33 months of EA, including her 12-month lifetime EA limit, applicable extensions under N.J.A.C. 10:90-6.4(b) and (d) and 9 months of EA under the HHE pilot. Petitioner was denied UIB, did not timely appeal to the Appeal Board and has a pending appeal from that adverse determination to the Board of Review. More important, there is no indication the denial of UIB would potentially impact Petitioner's eligibility for EA.

Petitioner fell 3 months behind in her rent and utilities after she lost her job, and has since obtained new employment. The ALJ's directive to the Agency to issue retroactive EA in the form of TRA and utilities was both authorized and appropriate under the totality of the circumstances. N.J.A.C. 10:90-6.3(a)(5).

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

SEP 29 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director