



DEPARTMENT OF HUMAN SERVICES

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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 7199-15 P.W.

AGENCY DKT. NO. C201287 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she has exhausted her lifetime limit of EA. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 22, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed by either party.

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 hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

At the hearing, the ALJ found that Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$424.00 per month. See Initial Decision at 2. A WFNJ/TANF recipient is limited to 12 months of EA, but he or she may also qualify for two six-month "extreme hardship" extensions when they have taken "all reasonable steps to resolve the emergent situation but the the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." Ibid; see also N.J.A.C. 10:90-6.4. Thus, the maximum amount of EA that a WFNJ/TANF recipient may receive is 24 months. See N.J.A.C. 10:90-6.4(d)(2).

In the event that a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted those two extensions, he or she may qualify for EA under the Housing Hardship Extension ("HHE") pilot project, which expands upon the granting of EA to WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9. To be eligible for EA under HHE, the WFNJ/TANF 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 on EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." See N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA under HHE. Ibid.

The Housing Assistance Program ("HAP") is another pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") recipients facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See N.J.A.C. 10:90-6.10(a)(1).

After reviewing evidence presented at the hearing, the ALJ found that, from October 2010 to date, Petitioner has applied for and was granted a total of 48 months of EA. See Initial Decision at 2. Accordingly, because Petitioner has exhausted her lifetime limit of EA, plus extensions, she is not eligible for any additional "extreme hardship" or "HHE" EA extensions. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.4 and -6.9.

The ALJ also found that Petitioner is not eligible for an EA under HAP because that program is only available to WFNJ and Supplemental Security Income ("SSI") recipients who are permanently disabled or have various medical conditions that make them unemployable. See Initial Decision at 3; see also N.J.A.C. 10:90-6.10(a)(1). Petitioner has not presented any evidence of a disability or medical condition that would qualify her for a HAP extension, and she is not an SSI recipient. Ibid.

Based on the foregoing, after a careful review of the record, I agree with the ALJ's conclusion that Petitioner has exhausted her lifetime limit of EA, plus all applicable extensions. See Initial Decision at 3. Therefore, I further agree with the ALJ's conclusion that the Agency properly denied Petitioner's EA application. Ibid.

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

JUN 01 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director