



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 10210-14 R.B.

AGENCY DKT. NO. GA532487 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's benefits because Petitioner had exhausted her lifetime limit of EA benefits and did not qualify for an extreme hardship extension. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 14, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On November 25, 2014, the ALJ issued an Initial Decision affirming the Agency determination. The ALJ concluded that Petitioner had exhausted her lifetime limit of EA benefits and did not meet any of the regulatory criteria to qualify for an extreme hardship extension pursuant to N.J.A.C. 10:90-6.4(b). See Initial Decision at 3.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for 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 determination.

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 individual." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient, such as the Petitioner, may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(b)(1). Pursuant to N.J.A.C. 10:90-6.4(b)(1)(i), one type of extreme hardship is when "[t]here is the danger of a loss of employment or a bona fide offer of employment"

Here, the record demonstrates that Petitioner has received 12 months of EA benefits. See Exhibit R-5. Petitioner applied for an extreme hardship extension but was denied by the Agency because she did not meet criteria for an extension. See Exhibit R-2. At the hearing, petitioner presented email correspondence indicating that she was interested in what appears to be seasonal employment. See Exhibit P-1. However, I do not find that this email constitutes a "bona fide offer of employment" at the time it was sent. There is no specific start date, and no indication of proposed compensation. As such, I concur with the ALJ's determination in this matter. Petitioner is without prejudice to re-apply in the future if she is in need of EA benefits and meets the eligibility criteria for an extension.

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

Signed Copy on File
at DFD, BARA

JAN 20 2015

Jeanette Page-Hawkins
Director