



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 7483-15 S.D.

AGENCY DKT. NO. C449415 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner an extension of EA benefits under HHE because she had purportedly exhausted her lifetime limit of EA benefits and available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 25, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for 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 of EA and the two

extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." 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 benefits. Ibid.

Here, the record indicates that at the time Petitioner applied for an extension of EA benefits, on May 12, 2015, she had exhausted her 12 month lifetime limit for EA benefits, plus two six-month extreme hardship extensions, she was employable, and was in compliance with her WFNJ work requirements. See Initial Decision at 3; see also N.J.A.C. 10:90-6.9(a)(1). Therefore, the ALJ found that the Agency improperly denied Petitioner an extension of EA benefits under HHE. See Initial Decision at 3. Further, the record indicates that Petitioner received an offer of employment on June 16, 2015. See Initial Decision at 2; see also Exhibit P-1.

Based upon the foregoing, I find that Petitioner is eligible for up to 12 months of EA benefits under HHE, so long as she continues to remain eligible for EA benefits in accordance with N.J.A.C. 10:90-6.9 and -6.1.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

JUL -7 2015

Natasha Johnson
Director