



## 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 6362-15 S.R.

AGENCY DKT. NO. GA534464 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because she has exhausted her lifetime limit of EA and does not qualify for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 2, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

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

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, following an independent review of the record, I hereby REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA is limited to 12 cumulative lifetime months under the Work First New Jersey ("WFNJ") regulations. See N.J.A.C. 10:90-6.4(a). Pursuant to the eligibility factors discussed in N.J.A.C. 10:90-6.4(b)(1), a WFNJ/General Assistance ("WFNJ/GA") recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists. See N.J.A.C. 10:90-6.4(c). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted that the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that

extensions "may be granted for additional reasons beyond those listed in [the] regulation ... only after conferring with DFD").

The record reveals that Petitioner is a 59-year old single woman with no dependent children. See Initial Decision at 2. In addition, Petitioner does not drive and uses public transportation. Ibid. However, Petitioner is not disabled, nor has she been clinically or medically diagnosed as mentally and/or physically incapable of caring for herself. Ibid. Rather, Petitioner has been employed in the food service industry for over 32 years, and has worked at hospitals and related facilities. Ibid. In March 2014, Petitioner was let go from her job because of the economy, and she has been unemployed since then. Ibid. Despite her extensive food service experience, Petitioner testified that she has been unemployed for 15 months due to her age and lack of transportation. Therefore, Petitioner is not in danger of losing employment or a bona fide offer of employment.

In March 2014, Petitioner applied to the Agency for, and was granted, EA/TRA. See Initial Decision at 2. Because Petitioner has received 14 months of EA/TRA to date, she has exhausted her 12 month cumulative lifetime limit of EA pursuant to N.J.A.C. 10:90-6.4(a). On March 3, 2015, the Agency denied Petitioner's application for an EA/TRA extreme hardship extension because Petitioner has exhausted her EA lifetime limit and does not qualify for a hardship extension. See Initial Decision at 1; see also Exhibit R-1 at 3.

Here, Petitioner's factual circumstances do not fall under one of the five criteria required for the granting of an EA extreme hardship extension, nor has Petitioner presented any additional reasons, supported by credible evidence, to support the existence of an extreme hardship in this matter. See N.J.A.C. 10:90-6.4(c). Therefore, I disagree with the ALJ's conclusion that Petitioner is eligible for a six-month extreme hardship extension due to her age, gender, and lack of transportation. See Initial Decision at 4.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

*Signed Copy on File*

at DFD, BARA

JUL - 6 2015

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Natasha Johnson  
Director