



State of New Jersey

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 12037-15 S.T.

AGENCY DKT. NO. C323506 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency provided Petitioner with 2 months of EA benefits, and noticed her that her EA benefits were being terminated thereafter because she had exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 20, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for two six-month EA extensions if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d).

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 up to an additional 12 months of EA benefits under the Housing Hardship Extension ("HHE") pilot. See N.J.A.C. 10:90-6.9. However, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the 12-month period prior to applying for an extension under HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot.

The Housing Assistance Program ("HAP") is a pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance to WFNJ and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1). To be eligible for HAP, one or more criteria must be met. See N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i).

The record shows that at the time of the hearing Petitioner had received 24 months of EA benefits. See Initial Decision at 2. It appears from the record that Petitioner applied for an extension of her EA benefits under an extreme hardship extension, on May 28, 2015. *Ibid.* Thereafter, on July 9, 2015, the Agency approved Petitioner for two months of EA benefits in the form of back rent payment and a back utility payment, after which her EA benefits were terminated because she had exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions. *Id.* at 3; see also Exhibit R-2 at 3; see also N.J.A.C. 10:90-6.4(a), (b), (d). Accordingly, I find that the Agency properly terminated Petitioner's EA, once she had been provided with the additional two months of EA benefits available under the extreme hardship extension.

Additionally, at the time Petitioner applied for an extension of her EA benefits on May 28, 2015, her assistance unit had incurred a sanction, see Initial Decision at 2, and therefore, she was ineligible for an extension of EA benefits under HHE. See N.J.A.C. 10:90-6.9(c)(1). Further, the record does not indicate that Petitioner applied for SSI or has a MED-1 form indicating at least a 12-month disability, and therefore, she was also ineligible for an extension of EA benefits under HAP. See N.J.A.C. 10:90-6.10.

By way of comment, the HAP and HHE pilot programs expired on July 2, 2015, and no new applications for HAP or HHE are being accepted. See DFD Instruction No. 15-07-02.

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

AUG 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director