



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Acting Commissioner

Natasha Johnson
Director

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 3929-15 T.B.

AGENCY DKT. NO. GA523006 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Petitioner's request for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request for an extension of EA benefits because she had exhausted all EA available to her. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 31, 2015, the Honorable Jesse N. Strauss, Administrative Law Judge ("ALJ"), held an emergent plenary hearing and took testimony. On March 31, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision on behalf of the Petitioner were received on April 1, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, together with Petitioner's Exceptions, and hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 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 family." 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 may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA a WFNJ/GA recipient may receive is 18 months.

Here, Petitioner does not dispute that she received 19 months of EA benefits. See Initial Decision at 2-3; Exceptions at 2. However, because EA benefits were paid directly to the landlord, and the Agency continued to deduct Petitioner's rent contribution from her WFNJ/GA cash benefits, even after terminating Petitioner's EA beginning with the month of December 2014, Petitioner asserts that she did not become aware that her EA had been terminated until she received notice from the landlord that her rent was three months in arrears. *Ibid.*

The ALJ in this matter correctly limited discussion to the issue of Petitioner having exhausted all available EA benefits. See Initial Decision at 2-3. The ALJ ruled that the Agency appropriately denied Petitioner's application for an EA extension. I agree with the ALJ's conclusion. I further agree with the ALJ's conclusion that Petitioner is entitled to reimbursement of WFNJ/GA deducted rental contributions "for January to March and thereafter." See Initial Decision at 3.

By way of comment, I find the arguments made in Petitioner's Exceptions to be unpersuasive. The record is devoid of any information that the Agency did, in fact, fail to provide adequate and timely notice to Petitioner regarding the termination of her EA benefits effective January 1, 2015. Even presuming that Petitioner's assertion is correct, remedying the notice deficiency does not alleviate the underlying EA eligibility issue in this matter, as it is clear that Petitioner had already exhausted all EA benefits available to her as of the time Petitioner's EA was terminated. This is not a case where a benefits recipient, who was in fact eligible for further EA benefits, was improperly terminated. As such, I do not find the asserted lack of notice to be fatal in this case. Moreover, providing Petitioner with retroactive and prospective EA, as suggested by counsel, would result in a windfall to Petitioner while clearly being ineligible to receive such benefits.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs.

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

Signed Copy on File
at DFD, BARA

APR 10 2015

Natasha Johnson
Director