



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

REMAND DECISION

OAL DKT. NO. HPW 14307-14 T.C.

AGENCY DKT. NO. C218148 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her Emergency Assistance ("EA") extension. The Agency denied Petitioner's EA extension application because she had exhausted her lifetime limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On December 5, 2014, the ALJ issued an Initial Decision affirming the Agency's determination but found that Petitioner was unable to demonstrate imminent eviction and denied on those grounds.

Exceptions to the Initial Decision were filed by Petitioner on January 5, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision, AFFIRM the Agency determination, and REMAND this matter to the Agency for further evaluation as discussed below.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve cumulative months, plus limited extensions for an "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(b); see also N.J.S.A. 44:10-51.

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Specifically, Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all the "extreme hardship" extensions, they may qualify for an extension of EA under the Housing Hardship Extension ("HHE") pilot program, which expands upon the granting of EA extensions for WFNJ/TANF recipients. 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 finding full-time employment, have exhausted their 12-month lifetime limit on 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. Ibid.

Based on the record presented, Petitioner has received 40 months of EA previously, which included her 12 month lifetime limit, two 6 month extreme hardship extensions, and 12 months under HHE. See Initial Decision at 3. Therefore, it appears that all available EA and applicable extensions have been exhausted.

However, the transmittal in this case identifies that Petitioner seeks to apply for EA via her son, who is a Supplemental Security Income ("SSI") recipient. The ALJ did not address this issue at the hearing, nor is there any evidence that the Agency considered Petitioner's son's SSI status in determining EA eligibility for this assistance unit. Therefore, I am remanding this matter to the Agency for a determination regarding EA eligibility as an SSI child only case. In light of Petitioner's pending eviction notice dated December 22, 2014, the Agency should act expeditiously in making this determination.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency determination is AFFIRMED, and the matter REMANDED back to the Agency for further evaluation of possible EA eligibility under Petitioner's son's SSI status.

JAN 20 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director