



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 19112-15 V.P.

AGENCY DKT. NO. C045179 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for an extreme hardship extension of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"), because the Agency contends that she does not meet the criteria for same. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 3, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 4, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

Under the WFNJ regulations, EA is limited to 12 cumulative months during the lifetime of the case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. See 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. See 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 cases where past or present domestic violence ("DV") exists, pursuant to the WFNJ Family Violence Option ("WFNJ FVO") Initiative, the Agency is required to refer EA applicants for a FVO risk assessment, which "includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual," as determined by the individual and by the Agency's risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). Further, a service plan prepared for applicants seeking EA because of DV, or the risk thereof, must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii).

The record reveals that Petitioner is a single mother of five children who receives WFNJ/TANF benefits of \$555.00 per month. See Initial Decision at 2. Petitioner is a former DV victim who, after undergoing an FVO risk assessment, has received 18 months of EA to date. See Initial Decision at 5; see also Agency's EA Discovery at 23-27. In June 2015, Petitioner and her children moved into an apartment with a written lease at a rental amount of \$1,671.00 per month. See Initial Decision at 2. On October 16, 2015, Petitioner applied to the Agency for an additional extreme hardship extension of EA. See Agency's EA Discovery at 14-16. The Agency denied Petitioner's application on October 30, 2015, for the reason that Petitioner did not meet the criteria for an additional EA extreme hardship extension. See Initial Decision at 2; see also Agency's EA Discovery at 12-13.

In his Initial Decision, the ALJ found, and I agree, that Petitioner is eligible for her final six-month EA extreme hardship extension pursuant to N.J.A.C. 10:90-6.4(d)(2). See Initial Decision at 5. The ALJ concluded, and I concur, that because the list of emergent circumstances necessitating an additional EA extreme hardship extension is not exhaustive, Petitioner's factual circumstances meet the criteria for same. *Ibid.* On that basis, I agree with the ALJ's conclusion that Petitioner meets the criteria for an additional six-month extreme hardship extension of EA, and that the Agency's denial of same was improper and must be reversed.

By way of comment, it should be noted that the time within which DFD is to render a Final Agency Decision ("FAD") runs from the time that DFD receives the full OAL record, including all exhibits, in a matter. More specifically, DFD has a statutory duty to review Initial Decisions of ALJs and render an FAD based upon a review of the complete record. See N.J.S.A. 52:14B-10(c).

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

DEC 14 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director