



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 6464-15 Y.W.

AGENCY DKT. NO. C473614 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she had exhausted her lifetime limit and did not qualify for an extension program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 2, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On June 3, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 11, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby REJECT the Initial Decision and AFFIRM the Agency's determination.

The Agency shall extend EA benefits for WFNJ/TANF recipients for an additional six-months when, at the discretion of the Agency, it has determined 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 the event that a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all the "extreme hardship" extensions, she may qualify for an extension under the Housing Hardship Extension Pilot Program ("HHE"), which expands upon the granting of EA extensions for WFNJ/TANF recipients. See 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 obtaining 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.*

The Housing Assistance Program ("HAP") is another pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to twenty-four months 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).

Here, the record indicates that Petitioner has received 38 months of EA. See Initial Decision at 3. Based upon the record presented, Petitioner has exhausted her two extreme hardship extensions as well as 12-month HHE extension. *Id.* at 3; see also Exhibit R-1. In addition, there is no evidence Petitioner meets any of the criteria to be eligible for an extension of EA benefits via HAP. She has neither applied for SSI or receives SSI benefits, and has failed to provide a valid Med-1 form indicating a disability. See Initial Decision at 3. Therefore, Petitioner has exhausted all possible extension options available to her and is no longer eligible for EA.

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

JUN 24 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director