State of New Jersey
'MENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
CN 716

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 17291-16 D.C.

AGENCY DKT. NO. GA465184 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA benefits because it determined that she had exhausted her lifetime limit of EA benefits and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2016, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 2, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/General Assistance ("WFNJ/GA") recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA

benefits that a WFNJ/GA benefits recipient may receive is 18 months. A WFNJ/Temporary Assistance for Needy Families ("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). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

The record shows that Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") cash assistance recipient who has received a total of 72 months of cash benefits, and EA benefits since 2011. See Initial Decision at 3. Therefore, the ALJ found that Petitioner had exhausted her lifetime limit of EA benefits and all available extensions. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(a), (b), and (c). Accordingly, the ALJ concluded that the Agency properly terminated Petitioner's EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 2-5. I agree. However, I find that regardless of whether or not one of Petitioner's children has been returned to her from the custody of the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, or whether the Agency, then, determines that Petitioner is eligible for WFNJ/TANF benefits, there is no regulatory authority by which the Agency may provide Petitioner with additional EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(a), (b), (d). The Initial Decision is modified to reflect this finding.

By way of comment, as the record indicates that the Petitioner may have an open case with DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

MAR 0 7 2017

Natasha Johnson
Director