



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 00608-18 L.H.

AGENCY DKT. NO. C202729009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, and consequently terminated her EA benefits, contending that Petitioner had exhausted her lifetime limit of EA benefits, and did not qualify for an extreme hardship extension due to her failure to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 15, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 hereby ADOPT the ALJ's Initial Decision, and REVERSE 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/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions 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(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

Here, the record reflects that on October 16, 2017, Petitioner executed an SP wherein she agreed, among other things, to find employment within 30 days. See Exhibit R-1 at 5-8. Petitioner testified that she has been diligently searching for employment but has been unable to find a job. See Initial Decision at 2; see also Exhibits R-1 at 27-30, and "Emergency Assistance Extension Application." Petitioner further testified that her job search has been hampered by her need to care for her 20-year old autistic daughter. See Initial Decision at 2. The ALJ found Petitioner's testimony credible, and concluded that Petitioner had good cause for failing to find employment, and as such, that she did not violate her



SP. See id. at 3. Based on the foregoing, the ALJ concluded that Petitioner is eligible for an extension of EA benefits and that the Agency's denial of said benefits was improper and must be reversed. Ibid.; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.4(b), -6.6(a). I agree.

By way of comment, based on the record presented, it appears that Petitioner is only eligible for up to 24 months of EA benefits, and that she has already received 20 months of said benefits as February 2018, and has been receiving continued assistance pending the outcome of this hearing. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (d). Therefore, Petitioner is advised that she needs to obtain employment. Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version.

APR 19 2018

Natasha Johnson
Director

