



State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

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*Lt. Governor*

NATASHA JOHNSON  
*Director*

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 03744-18 S.G.

AGENCY DKT. NO. C697261007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA"), benefits, and a denial of a further extension of said benefits. The Agency terminated Petitioner's EA benefits contending that she has exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 29, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 19, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT 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/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 as of the date of the Agency's termination of Petitioner's EA benefits, and the denial of a further extension of EA benefits, Petitioner had received 25 months of EA benefits, and has been receiving continued assistance pending the outcome of this hearing. See Initial Decision at 2; see also Exhibits R-1, R-2 and R-3. Therefore, Petitioner has exhausted her lifetime limit of EA benefits, plus all available extensions. See N.J.A.C. 10:90-6.4(a), (b), (d). Nevertheless, based on Petitioner's circumstances, the ALJ found Petitioner eligible for an extension of EA benefits. See Initial Decision at 2-3. I respectfully disagree. Rather, I find that regardless of Petitioner's particular circumstances, there exists no regulatory authority by which the Agency may grant Petitioner additional



EA benefits. Accordingly, I find that the Agency's termination of Petitioner's EA benefits, and the denial of a further extension of EA benefits, was proper and must stand. See Exhibit R-1, see also N.J.A.C. 10:90-6.4(a), (b), (d).

By way of comment, in accordance with DFD Instruction ("DFDI") 17-01-01, upon the Agency's receipt of the Final Agency Decision, I direct that the Agency schedule Petitioner for a closing interview and offer Petitioner a referral to the Intensive Case Management ("ICM") vendor, if appropriate.

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

Officially approved final version.

AUG - 6 2018

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Natasha Johnson

Director

