



State of New Jersey

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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 04952-18 S.S.

AGENCY DKT. NO. C639414007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit and first month's rent. The Agency denied Petitioner EA benefits contending that she had 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 April 24, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On April 25, 2018, the ALJ issued an Initial Decision, affirming 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 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 ("WFNJ/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 ALJ found that, as Petitioner provided no evidence of a pending eviction, Petitioner was not imminently homeless, and therefore was ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c). I agree. Moreover, the record reflects, and it is undisputed, that Petitioner has received 27 months of EA benefits. See Initial Decision at 2. Therefore, I also find that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extensions, and that there is no current regulatory authority by which the Agency may grant Petitioner additional EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (d). Based on the foregoing, I find that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 2.



By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAY 03 2018

Natasha Johnson

Director

