



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 14626-18 A.H.

AGENCY DKT. NO. C241160009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her 12-month 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 October 25, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 3, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received by the Agency on December 13, 2018. The Exceptions include a payment history, and state that "this information was presented at the time of the hearing."

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

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, although inartfully stated, I find that the Agency's "Notification Form" reflects that, as of the date of the termination of Petitioner's EA benefits, Petitioner had received 24 months of EA benefits, which included two six-month extreme hardship extensions. See Exhibit R-3. This finding is substantiated by the payment histories provided with the Agency's Exceptions. See Exceptions at Exhibit 1. Therefore, I find that 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). However, the ALJ opined that Petitioner had only received 12 months of EA benefits, and found that, because she was now experiencing a new emergency, that she was eligible for an extreme hardship extension of EA benefits. See Initial Decision at 1, 4-6; see also Exhibits P-1, P-2, R-1, R-2, and N.J.A.C. 10:90-6.4(a). Based on Petitioner's particular circumstances, I would agree with the ALJ that, had Petitioner only received 12 months of EA benefits, she would have been eligible for an extreme hardship extension of EA benefits; however, because Petitioner has, in fact, received at least 24 months of EA benefits, and regardless of the fact that Petitioner may be experiencing a new emergency, I find that there exists no regulatory authority by which the Agency may grant Petitioner additional EA benefits. See Initial Decision at 4-6; see also Exhibit R-3, and Exceptions at Exhibit 1. Accordingly, I find that the Agency's termination of Petitioner's EA benefits, and the denial of a further extension of



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EA benefits, was proper and must stand. See Exhibit R-3; see also N.J.A.C. 10:90-6.4(a), (b), (d). The Initial Decision is modified to reflect this finding.

By way 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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. **JAN - 2 2019,**

Natasha Johnson
Director

