



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 03871-20 M.G.

AGENCY DKT. NO. C124736020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, contending that she did not meet the eligibility criteria for such extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 18, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing via telephone, and took testimony. No documents were admitted into evidence. Also on March 18, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 REVERSE the Agency's determination, based on the discussion 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.

The lifetime limit of EA benefits shall be deferred for up to six months where the EA termination would unfairly penalize an EA benefits recipient who is, or has been, victimized by family violence, or who is at risk of further family violence. See N.J.A.C. 10:90-6.4(f).

In cases where past or present domestic violence ("DV") exists, pursuant to the WFNJ Family Violence Option Initiative ("FVO"), the Agency is required to refer EA benefits applicants/recipients for an FVO risk assessment, which "includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual," as determined by the individual and by the Agency's risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). The FVO allows an individual to request EA benefits due to



domestic violence, as well as, request a waiver of the EA benefits time-limit requirements. See N.J.A.C. 10:90-20.1(b), -20.4(a)(7).

Here, the record reflects that Petitioner, a WFNJ/TANF benefits recipient, has received 18 months of EA benefits. See Initial Decision at 2. While I agree that with the ALJ's conclusion that Petitioner is eligible for an extreme hardship extension of EA benefits, I find that she is eligible for up to six additional months of EA benefits, provided she continues to remain eligible for same, not for an additional 9 months of EA benefits as ordered by the ALJ. Id. at 3-4; see also N.J.A.C. 10:90-6.4(a), (b), (d). Thereafter, as the record reflects that Petitioner has been a victim of DV, the Agency is directed to reevaluate Petitioner for any further extension of EA benefits in accordance with N.J.A.C. 10:90-6.4(f) or N.J.A.C. 10:90-20.1(b), -20.4(a)(7), as appropriate. See Initial Decision at 3-4. Based on the foregoing, I concur with the ALJ's reversal of the Agency's denial of EA benefits to Petitioner, and I hereby order the Agency to provide Petitioner with EA benefits in the form of back rent, in an amount necessary to bring her current, as well as prospective EA benefits provided she remains eligible for same. Id. at 4; see also N.J.A.C. 10:90-6.1 et. seq. The Initial Decision is modified to reflect these findings.

By way of comment, if it has not done so already, the Agency shall refer Petitioner for an FVO assessment. See N.J.A.C. 10:90-20.1(b)(1)(i).

By way of further comment, as the record indicates that Petitioner has an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 4.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

MAR 23 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

