



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
Acting Commissioner

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 1637-15 C.W.

AGENCY DKT. NO. GA287932 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits after she exhausted her 12-month lifetime limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 6, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination on the sole basis that Petitioner has not applied for an extension.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Findings of Fact and Conclusions of Law in the Initial Decision and AFFIRM the Agency determination.

While I agree with the ALJ's Order that the Agency's action terminating Petitioner's EA benefits must be affirmed because she exhausted her 12-month lifetime limit and has failed to apply for extension, I also I concur with the ALJ's finding that Petitioner's credible testimony refuted the Agency's contention that she had violated her EA service plan. Initial Decision at 2-4; N.J.A.C. 10:90-6.6(a). The ALJ credited Petitioner's testimony that she had submitted applications to two public housing complexes, and inquired of several more complexes which refused to take her application because they had no openings or waiting list. Ibid. Moreover, I note that

none of the complex inquiry forms submitted by the Agency either contradict, or are inconsistent with, Petitioner's testimony. Exhibit R-1 at 42-47.

I further agree with the ALJ's finding that Petitioner's failure to apply for an extension of EA benefits before she exhausted her 12-month lifetime EA benefits limit is not an independent basis for the Agency to deny an extension of EA benefits. N.J.A.C. 10:90-6.4; -6.9; -6.10. Initial Decision at 4. For purposes of clarification for the Agency, DFDI 12-02-06, see Exhibit R-1 at 13, is only intended as guidance to the Agency to avoid a possible interruption in EA benefits, not to serve as a permanent bar to an extension. Petitioner may therefore immediately reapply for an "extreme hardship" extension of EA benefits under N.J.A.C. 10:90-6.4(b)(1), and an extension of EA benefits under the Housing Assistance Program ("HAP") pilot at N.J.A.C. 10:90-6.10. Initial Decision at 4.

By way of comment, I make no finding about whether Petitioner is eligible for an "extreme hardship" extension of EA benefits. With respect to potential eligibility for an extension of EA benefits under HAP, I note Petitioner has a pending application for Supplemental Security Income ("SSI") benefits and the Agency has considered her to be unemployable for the past seven months. N.J.A.C. 10:90-6.10(a)(1)(i). Exhibit R-1 at 18, 49-50. In contrast, I further note there is nothing in the record which indicates Petitioner currently has a MED-1 form substantiating at least 12 months of disability, which is an additional requirement for eligibility under HAP. Finally, I note that Petitioner is not eligible for an extension of EA benefits under the Housing Hardship Extension ("HHE") pilot program because she is not a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. N.J.A.C. 10:90-6.9.

Petitioner may immediately reapply for an extension of EA benefits, without prejudice, subject to applicable eligibility criteria as discussed above.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

MAY 11 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director