



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

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 16519-14 G.C.

AGENCY DKT. NO. GA541294 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, under the "extreme hardship" extension set out in N.J.A.C. 10:90-6.4(b)(1), the Housing Assistance Program ("HAP") pilot and the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner an extension of EA benefits because she does not meet the criteria for eligibility for any of the extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 12, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 20, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's denial of an extension of EA benefits under HAP and HHE; and reversed the Agency's denial of an extreme hardship extension.

Exceptions to the Initial Decision were filed by Agency on March 6, 2015. The Agency asserted that Petitioner had not provided any documentation regarding previous employment which would impact her EA eligibility. See Exceptions at 1. Additionally, the Agency attached several documents to its Exceptions that had not been entered into evidence at the hearing before the ALJ.

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 ADOPT, in part, MODIFY, in part, and REVERSE, in part, the ALJ's Initial Decision; and AFFIRM the Agency's denial of an extension of EA benefits under HAP and HHE; and its denial of an extreme hardship extension.

EA benefits are limited to 12 cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. In addition to the criteria set out in N.J.A.C. 10:90-6.4(b), in order to be eligible for an extreme hardship extension, the Work First New Jersey ("WFNJ") recipient must satisfy one of the enumerated extreme hardship eligibility criteria set out in N.J.A.C. 10:90-6.4(b)(1). Accordingly, a WFNJ/General Assistance ("WFNJ/GA") recipient such as the Petitioner may qualify for an additional six months of EA benefits when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA benefits that a WFNJ/GA recipient may receive is 18 months.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a). To be eligible for the HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance (RSDI) and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

HHE is another pilot program which expands upon the granting of EA extensions. However, the HHE pilot is only available to WFNJ/Temporary Assistance for Needy Families ("TANF") recipients. See N.J.A.C. 10:90-6.9.

The record indicates that Petitioner is a WFNJ/GA recipient, and is employable. See Initial Decision at 2. As of the date of the hearing, Petitioner had received her lifetime limit of 12 months of EA, plus three months of EA under the extreme hardship extension. *Ibid.*

Applying the regulatory standards for HAP and HHE as outlined above, it is clear that Petitioner is not eligible for a further extension of EA benefits under either pilot program. Petitioner is not eligible for an extension of EA benefits under HAP, as she has not provided proof of an SSI application or pending appeal, or a MED-1 substantiating at least 12 months of disability, and is employable. Accordingly, the ALJ correctly concluded that the Petitioner ineligible under HAP.

Further, the ALJ found that although Petitioner was not eligible for HHE at this time, she "would be eligible after she exhausted twenty-four months of EA." See *id.* at 9

However, as Petitioner is not a WFNJ/TANF recipient, she is not eligible for an extension of EA benefits under HHE, and the ALJ's determination is in error. Additionally, for purposes of clarity, a WFNJ recipient does not need to have exhausted the extreme hardship extension(s) to be eligible for EA benefits under HHE or HAP. See N.J.A.C. 10:90-6.10, 6.9 (EA benefits are available under HAP/HHE "after the recipient has exhausted their 12 months of EA and any applicable extensions..."). Finally, a WFNJ/GA recipient is only provided with EA benefits for up to 12 months, with one six-month extreme hardship extension, for a total of up to 18 months, not 24 months as the ALJ opined. For these reasons, the Initial Decision is modified. See Initial Decision at 9.

As outlined above, the maximum amount of EA that an employable WFNJ/GA recipient may receive is 18 months. However, it should also be noted that 18 months is not guaranteed. Rather, the determination of whether an applicant qualifies for an extreme hardship extension of EA benefits lies with the Agency, subject to appeal and review by the OAL, with a Final Agency Decision to be made by this office. Here, the Agency denied Petitioner an extreme hardship extension because she had not satisfied any of the enumerated extreme hardship criteria set out in N.J.A.C. 10:90-6.4(b)(1). See Exhibit R-1 at 11. After a careful review of the record, I agree. See Initial Decision at 2, 11. Accordingly, I reverse the ALJ's decision granting Petitioner EA benefits under an extreme hardship extension, and I find that the Agency properly denied Petitioner an extreme hardship extension of EA benefits.

Based on the foregoing, the Initial Decision is ADOPTED, in part, MODIFIED, in part, and REVERSED, in part, and the Agency's denial of an extension of EA benefits under HAP and HHE, and its denial of an EA extreme hardship extension is AFFIRMED.

*Signed Copy on File*

at DFD, BARA

MAY 12 2015

---

Natasha Johnson  
Director