



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

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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 16812-15 J.D.

AGENCY DKT. NO. C067170 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") in the form of shelter placement because she has exhausted her lifetime limit of EA, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 3, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 4, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on December 7, 2015, and revised Exceptions were filed by the Agency on December 15, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT the Initial Decision and AFFIRM the Agency's determination.

Under the WFNJ regulations, EA is 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 Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA that a WFNJ/GA benefit recipient may receive is 18 months. *Ibid.*

A WFNJ/Temporary Assistance for Needy Families (“WFNJ/TANF”) benefits recipient may qualify for up to two six-month EA extensions if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d)(2).

Here, the record reflects that Petitioner, a single mother of a five-year old son, is a former WFNJ/TANF recipient who has received a total of 18 months of EA in the form of motel placement from July 2014 through December 2015. See Initial Decision at 2; see also Exhibit R-1 at Case Summary, Check History Printout dated December 2, 2015. Included within the 18 months of EA is a six-month extreme hardship extension granted to Petitioner from July through December 2015. See Initial Decision at 4.

Since July 2014, the Agency has presented eight housing opportunities to Petitioner, all of which she has rejected. See Exhibit R-1 at Case Summary, List of Housing Opportunities Presented to Client at 25. The Agency referred Petitioner for a Behavioral Health Initiative (“BHI”) program mental health evaluation on August 8, 2014, September 30, 2014, and October 7, 2014. See Exhibit R-1, Case Summary at 8-10; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Petitioner completed her BHI assessment on October 20, 2014. *Id.* at 10.

The Division of Child Protection and Permanency (“DCP&P”) has been involved with Petitioner’s case on a total of six occasions from November 2014 through January 2015. See Exhibit R-1, Case Summary at 11-14. On September 24, 2015, Petitioner was arrested and incarcerated, at which time the Division of Child Protection and Permanency (“DCP&P”) conducted an emergency removal of Petitioner’s child from the home. *Id.* at 21; see also Exhibit R-1 at 6, DCP&P Letter dated December 4, 2015. In its December 4, 2015, letter to the Agency, DCP&P indicated that “the Division has one year to work with [Petitioner] to remedy the issues that led to the removal of her son.” See Exhibit R-1, DCP&P Letter dated December 4, 2015, at 6. Petitioner was released on bail from incarceration on September 17, 2015. See Exhibit R-1, Case Summary at 21. Petitioner’s child remains in the custody of DCP&P. *Ibid.*

On October 1, 2015, the Agency mailed a letter to Petitioner advising her to apply for WFNJ/GA. See Exhibit R-1, Case Summary at 21. On October 2, 2015, the Agency terminated Petitioner’s WFNJ/TANF benefits effective November 1, 2015, because she no longer meets the requirements of a WFNJ/TANF benefits recipient. See Exhibit R-1, Agency Notification Form dated October 2, 2015; see also N.J.A.C. 10:90-2.2. Thereafter, Petitioner applied for WFNJ/GA benefits online and has been instructed to visit the Agency to complete that process. See Initial Decision at 3.

In her Initial Decision, the ALJ acknowledged that if Petitioner was currently a WFNJ/TANF recipient, she may be entitled to a second six-month extreme hardship extension of EA. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(d)(2). The ALJ also acknowledged that Petitioner is a past WFNJ/TANF recipient seeking EA, who no longer has custody of her son and, as a WFNJ/GA recipient, has exhausted her lifetime limit of EA, plus all available extensions. See Initial Decision at 5. Nevertheless, the ALJ concluded that, although Petitioner "[is] no longer a TANF household and therefore, [is] not eligible for a second six-month extension of EA," the Agency "must grant petitioner continued shelter placement until she is reunited with her child..." See Initial Decision at 6.

I disagree with, and hereby reject, the ALJ's conclusion. There is no indication in the record that reunification with Petitioner's child is imminent at this time. See December 4, 2015, letter from DCP&P. Moreover, if reunification with the child occurs, Petitioner is only eligible for six months of additional EA benefits, minus any EA given since December 1, 2015, as continued assistance during the pendency of this matter. See December 1, 2015, EA payment history. Accordingly, I find no authority in the WFNJ regulations under which to grant Petitioner any additional EA benefits at the present time. Therefore, the Agency's denial of additional EA to Petitioner was proper and must be affirmed.

In the event that reunification becomes imminent, the Agency and DCP&P shall work expeditiously to meet the housing needs of the assistance unit in accordance with regulatory authority. See N.J.A.C. 10:90-6.3(a)(1), (6).

As Petitioner has an open case with DCP&P, a copy of the Initial and Final Decisions shall be forwarded to that Agency.

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

REC 30 2015

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director