

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Elizabeth Connolly
Acting Commissioner

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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 12063-15 J.M.

AGENCY DKT. NO. C309558 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had exhausted her lifetime limit of EA benefits and did not meet any of the regulatory criteria for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2015, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 21, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and having made an independent review of the record, I hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

EA benefits are limited to 12 lifetime cumulative months, plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(a). A Work First New Jersey/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(c). While the WFNJ regulations list five eligibility criteria to be considered

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by the Agency, it should be noted the list is not exhaustive. See N.J.A.C. 10:90-6.4(b)(1) (stating that the Agency may consider "other situations not specifically mentioned in the list" after consulting with DFD); see also DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD").

The record indicates that Petitioner has received 12 months of EA benefits in the past. See Initial Decision at 2; see also Exhibit R-1. However, the last time when Petitioner received EA benefits, or any public assistance benefits, was in September 2008. See Exhibit R-1. Petitioner was gainfully employed and self-sufficient, from late 2008, until she lost her job in 2013. See Initial Decision at 2. Petitioner has been unable to find employment, and Petitioner's Unemployment Insurance Benefits ("UIB") expired in May 2015. Ibid. Thereafter, in June 2015, Petitioner applied for EA, as well as Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits through the Agency. Ibid. After being evicted from her apartment, Petitioner was able to obtain temporary shelter, but can no longer stay there, having "met or exceeded her length of stay." Ibid.; see also Exhibit P-2.

Based upon the totality of the facts presented in this matter, I find that, while Petitioner does not meet the enunciated list of regulatory criteria, this case is unique and rises to the level of "other situations," as discussed above, warranting a grant of an extreme hardship extension of EA benefits to Petitioner. See N.J.A.C. 10:90-6.4(b)(1).

Accordingly, the Initial Decision is ADOPTED and the Agency's determination is REVERSED.

Signed Copy on File at DFD. BARA

AUG 3 1 2015

Natasha Johnson Director