

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development P.O. Box 716 TRENTON, NEW JERSEY 08625

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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 3427-15 L.J.

AGENCY DKT. NO. C434736 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her request for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request for EA benefits because she had exhausted all available EA and did not qualify for any additional extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On the same day, the ALJ issued an Initial Decision, reversing the Agency's determination and remanding the case back to the Agency.

No Exceptions to the Initial Decision were filed.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision, REVERSE the Agency determination and REMAND the matter to the Agency for further evaluation and clarification as outlined below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve 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.

Page 2

Specifically, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is twenty-four (24) months.

In the event that a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all the "extreme hardship" extensions, she may qualify for an extension under the Housing Hardship Extension ("HHE") pilot program, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full time employment, have exhausted their 12-month lifetime limit on EA and the two extensions as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional twelve (12) months of EA. Ibid.

Here, the record indicates that Petitioner has received thirty-seven (37) months of EA benefits and faces a lockout effective March 18, 2015. See Initial Decision at 3. The Agency was unable to confirm if Petitioner has utilized her 12 months of EA benefits under HHE as part of her 37 month EA total. Ibid. The record, outside of the Initial Decision, provided no documentation pertaining to Petitioner's payment and benefit history, or her status of employability. Therefore, I agree with the ALJ that this matter should be remanded to the Agency to determine Petitioner's eligibility for a possible extension of EA benefits under HHE. As this is an emergent matter, the determination should be made as expeditiously as possible. In addition, Petitioner retains the right to a Fair Hearing in this matter.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision in the action is hereby ADOPTED, the Agency action is REVERSED and the matter is REMANDED to the Agency as discussed above.

Signed Copy on File at DFD, BARA

MAR 25 2015

Jeanette Page-Hawkins Director