



## DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 3077-15 L.O.

AGENCY DKT. NO. GA557073 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the extreme hardship extension. The Agency denied Petitioner EA benefits because she did not meet the criteria for an extreme hardship extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 25, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 23, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on May 7, 2015.

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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

EA benefits, for a Work First New Jersey/General Assistance ("WFNJ/GA") recipient are limited to 12 cumulative months, plus one six-month extension 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 WFNJ/GA recipient must satisfy one of the enumerated extreme hardship eligibility criteria set out in N.J.A.C. 10:90-6.4(b)(1), or -6.4(b)(2).

Pursuant to N.J.A.C. 10:90-2.7(b)(1), the composition of a WFNJ/GA assistance unit ("AU") is most often either a single individual over 18 years of age, or a couple without dependent children. The AU, whether one person or a couple, is treated as a single economic unit. *Ibid.*; see also N.J.A.C. 10:90-15.1 (stating the definition of an AU). This interpretation is consistent throughout the WFNJ regulations. Similarly, in the regulations pertaining to the granting of EA benefits, the term "individual or family" is used interchangeably with "AU" and carries the same significance. See e.g. N.J.A.C. 10:90-6.1(a)(2),(3),(4),(5); - 6.3(a)(1).

The record indicates that Petitioner's AU consists of herself and her husband. See Initial Decision at 2. According to the fair hearing transmittal sheet, the AU receives WFNJ/GA benefits. Here, Petitioner applied for an extension of EA benefits under the extreme hardship extension, but was denied because she did not meet any of the criteria set out in N.J.A.C. 10:90-6.4(b)(1) or -6.4(b)(2). See Exhibit R-2. Further, although Petitioner's spouse is appealing a denial of his Supplemental Security Income application, and meets the criteria for an extreme hardship extension as set out in N.J.A.C. 10:90-6.4(b)(2), when considering eligibility for an extreme hardship extension, the eligibility of the applicant's entire AU is looked at. Therefore, based on the record and the regulations cited above, I find that Petitioner and her husband are viewed as an AU and not individually, as such, both Petitioner and her husband must be eligible for an extreme hardship extension, they are not, therefore, the Agency properly denied Petitioner an extension of EA benefits under the extreme hardship extension.

By way of comment, the record does not indicate that Petitioner applied for, or was denied an extension of EA benefits under HAP. See Exhibit R-1 at 3. However, as with extreme hardship eligibility, to be eligible for HAP, all parties making up the AU must meet the HAP criteria. Here, the record indicates that Petitioner's AU does not meet the criteria required for an extension of EA benefits under HAP, and, are therefore, ineligible for EA benefits under HAP, at this time.

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

MAY 29 2015 *Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director