



**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 2128-15 T.W.

AGENCY DKT. NO. C061140 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from Respondent Agency's denial of her application for a six-month hardship extension of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's EA/TRA extension request because Petitioner does not fall under the five EA eligibility categories set forth in the regulation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On May 8, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

EA is limited to 12 months, plus limited extensions for "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." See N.J.A.C. 10:90-6.4(b). A recipient of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits 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 instant case, Petitioner is a WFNJ/TANF recipient who previously applied for and received 12 months of EA/TRA for herself and her four children. See Initial Decision at 2. On December 19, 2014, Petitioner applied to the Agency for a six-month hardship extension of EA/TRA, stating that she was in compliance with her WFNJ work requirements. *Ibid.*; see also Exhibit R-1 at 6. Petitioner explained in her application that her current income from part-time employment was insufficient to maintain her rent plus utilities, but that she expected to be employed full time by the end of the six-month extension period. See Initial Decision at 2; see also Exhibit R-1 at 7. The Agency denied Petitioner's application and terminated her EA/TRA effective February 1, 2015 because Petitioner's situation does not fall under one of the five EA extension eligibility categories contained in N.J.A.C. 10:90-6.4(b)(1). See Initial Decision at 2.

In its Initial Decision, the ALJ noted that the regulation upon which the Agency based its denial indicates that the list of eligibility categories is "not exhaustive." See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(b)(1). Here, Petitioner has acquired a trade as an optometric professional and has found employment. See Initial Decision at 3. Although Petitioner is currently a part-time employee (see Exhibit P-1), she testified at the hearing that she may be increased to full-time employment as her employer's business increases. See Initial Decision at 3. The ALJ noted that the purpose of EA/TRA "is to afford the recipient shelter that will enable her to seek self-sufficiency." *Ibid.* Therefore, the ALJ concluded, by obtaining employment and learning a trade, Petitioner has taken significant steps to achieve self-sufficiency. *Ibid.* Additionally, Petitioner "is exactly the kind of person the program was intended to benefit." *Ibid.*

Based upon the foregoing, the ALJ concluded, and I agree, that the Agency's denial of Petitioner's hardship extension of EA/TRA benefits should be reversed. See Initial Decision at 4.

By way of comment, Petitioner may also be eligible for an EA/TRA hardship extension under the Housing Hardship Extension ("HHE") Pilot program. See N.J.A.C. 10:90-6.9(a)(1). The record indicates that Petitioner is a WFNJ/TANF recipient who is employed part-time but is willing to accept full-time employment. See Initial Decision at 3; see also N.J.A.C. 10:90-6.9(a)(1) and -6.9(b)(3). Further, it appears from the record that Petitioner has no sanctions against her. See N.J.A.C. 10:90-6.9(c)(1). If eligible under HHE, Petitioner may receive up to 12 additional months of EA/TRA. See N.J.A.C. 10:90-6.9(a)(1).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency determination is REVERSED.

*Signed Copy on File*  
at DFD, BARA

JUN 04 2015

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Natasha Johnson  
Director