



State of New Jersey

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

REMAND DECISION

OAL DKT. NO. HPW 11318-14 V.J.

AGENCY DKT. NO. C288259 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA due to a lack of requisite documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 15, 2014, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 15, 2014, the ALJ issued an Initial Decision reversing the Agency's determination and remanding the matter to the Agency to allow Petitioner to submit the requisite documentation to support eligibility for EA under the Housing Assistance Program ("HAP") pilot program. See Initial Decision at 4.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby MODIFY the Initial Decision in this matter and REMAND back to the Agency.

HAP was designed to provide additional housing assistance for up to twenty four months to Work First New Jersey and Supplemental Security Income ("SSI") recipients, facing imminent homelessness, who are unemployable due to "disabilities that prevent them from finding employment." See 43 N.J.R. 2715(a); see also N.J.A.C. 10:90-6.10(a)(1).

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To be eligible for HAP, one or more criteria must be met. N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that the recipient can demonstrate that they have "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or SSI disability benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." N.J.A.C. 10:90-6.10(a)(1)(i). The purpose of establishing that an individual is disabled for at least 12 months through a certified MED-1 form is to show that the individual is unable to engage in regular employment. See 43 N.J.R. 2715(a) and N.J.A.C. 10:90-4.10(a)(2).

The record in this matter appears to reflect that Petitioner purportedly has the requisite documentation pertaining to a MED-1. Additionally, the record indicates that the Petitioner has been denied SSI. It is unclear whether the Petitioner has appealed the denial of his SSI application.

EA cannot be provided until such time as the requisite documentation, as discussed above, is provided to the Agency. If the required documentation is provided to the Agency, then Petitioner will be provided with EA.

Accordingly, the Initial Decision is hereby MODIFIED and the matter is REMANDED back to the Agency for further handling and evaluation.

Signed Copy on File
at DFD, BARA

SEP 30 2014

Jeanette Page-Hawkins
Director