



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

FINAL DECISION

OAL DKT. NO. HPW 7715-15 A.B.

AGENCY DKT. NO. S542692 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner EA benefits under HAP because he did not meet the criteria for HAP eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 19, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 22, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on June 24, 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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

HAP is a pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance 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). To be eligible for HAP, one or more criteria must be met. See 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

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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).

Here, the record indicates that Petitioner's spouse has been approved to receive SSI benefits. See Initial Decision at 5; see also Exhibit P-5. The record also indicates that Petitioner has a MED-1 form indicating a 12-month disability that is pending approval by the Agency. See Initial Decision at 5; see also Exhibit R-11. Additionally, Petitioner's application for HAP indicates that he has applied for SSI and is either pending approval or appealing a denial. See Exhibit R-3 at 2. However, it does not appear that Petitioner provided the Agency with proof of a pending SSI claim. Accordingly, I find Petitioner eligible for EA benefits under HAP, contingent upon him providing the Agency with proof of a pending SSI claim. See N.J.A.C. 10:90-6.10(a)(1)(i).

By way of comment, the Agency may not solely base its denial of HAP on the fact that an individual has only provided cumulative MED-1 forms, totaling 12 months, instead of one MED-1 form indicating a 12-month disability. Rather, when an individual has provided the Agency with consecutive MED-1 forms for periods of less than 12 months in duration, the Agency is directed to contact the practitioner who completed the current MED-1 form to establish if the condition is expected to last for a period of 12 or more months from the form completion date, and to then proceed accordingly as outlined in DFD Instruction 11-06-03. See DFD Instruction 11-06-03 at 4-5.

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

JUL - 1 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson

Director