



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 14454-14 A.F.

AGENCY DKT. NO. C062143 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA request because she did not demonstrate a hardship or homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On January 14, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were received.

As the 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 and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See 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. Specifically, a Work First

New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, may qualify for an additional six months of EA when an "extreme hardship" to the family exists. See N.J.A.C. 10:90-6.4(d). Moreover, if at the end of the first six-month period, extreme hardship continues to exist, the WFNJ/TANF recipient may apply for additional six-months of EA benefits. See N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA that a WFNJ/TANF benefit recipient may receive is twenty-four months. *Ibid.*

If a WFNJ recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP") pilot. HAP is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty-four months to WFNJ and Supplemental Security Income ("SSI") recipients, "who are in imminent danger of homelessness and have exhausted all EA extensions, as appropriate, provided such recipients continue to need EA and are otherwise eligible for EA." N.J.A.C. 10:90-6.10(a). Thus, HAP allows WFNJ recipients who are determined permanently disabled and SSI recipients who are in danger of homelessness to apply for an extension of EA benefits. N.J.A.C. 10:90-6.10(a).

To be eligible for an EA extension under HAP, one or more criteria must be met by the recipient. N.J.A.C. 10:90-6.10(a)(1). One criterion is that the recipient(s) demonstrate that he or she has "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); N.J.A.C. 10:90-4.10(a)(2).

Here, the ALJ noted the fact that Petitioner is currently receiving WFNJ/TANF benefits and has previously used fifteen-months of EA benefits. See Initial Decision at 2. Since moving from Vineland, Cumberland County, to Elizabeth, Union County, Petitioner and her two children have been residing with relatives. *Ibid.* The ALJ also noted that Petitioner has been terminated from SSI. *Ibid.*

The ALJ further indicated that Petitioner now has proof of an SSI appeal and a valid one-year MED-1 form. See Initial Decision at 4; Exhibit P-1 at 1-6. Petitioner, as also noted by the ALJ, did not provide this information to the Agency until after the Agency's denial on October 17, 2014. See Initial Decision at 4. As such, the ALJ concluded, and I agree, that at the time of her application, the Agency properly denied her EA application based on the lack of supporting documentation. See Initial Decision at 5.

Accordingly, I find the Agency's denial of Petitioner's request for EA was proper. As stated by the ALJ, Petitioner may reapply for EA, having now obtained the appropriate documentation, as discussed above, for an extension of EA benefits provided Petitioner continues to need EA and is otherwise eligible in accordance with N.J.A.C.

10:90-6.1.

Petitioner is, without prejudice, entitled to request a fair hearing on that re-application determination if the Agency denies the re-application.

Base on the foregoing, the Initial Decision is ADOPTED and the Agency's action AFFIRMED.

MAR 09 2019

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director