



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 4962-14 A.G.

AGENCY DKT. NO. GA474794 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 1, 2014, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 19, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

In May 2014, the Agency terminated EA because Petitioner exhausted his 12-month lifetime EA limit. N.J.A.C. 10:90-6.4. In July 2014, the Agency terminated Work First New Jersey/General Assistance ("WFNJ/GA") based upon Petitioner's receipt of Retirement, Survivors and Disability Insurance ("RSDI") benefits in excess of the maximum allowable income level, and in September similarly terminated Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. N.J.A.C. 10:90-3.5; -3.6; N.J.A.C. 10:87-6.16(d). Petitioner appealed only the denial of EA.

EA is in relevant part limited to 12 months, plus an extension of up to 6 months where the recipient has taken "all reasonable steps to resolve the emergent situation

Page 2

but the emergency nevertheless continues or a new emergency occurs, which causes extreme hardship to the family.” N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51.

It is unclear whether the Agency evaluated Petitioner for an extreme hardship extension when it denied EA in May 2014, and before he began to receive RSDI benefits in August. Based upon the present record, it does not appear Petitioner would have met any of the eligibility criteria from the non-exhaustive list under N.J.A.C. 10:90-6.4(b)(1).

The HAP authorizes an extension of EA for up to 24 months for qualified WFNJ recipients who are permanently disabled and SSI recipients who are in danger of imminent homelessness. N.J.A.C. 10:90-6.10.

Although he currently receives RSDI benefits, Petitioner was neither a permanently disabled WFNJ recipient nor an SSI recipient when the Agency denied EA. In addition, Petitioner in relevant part did not have a pending application for, or an appeal from the denial of RSDI and/or SSI benefits, importantly supported by a 12-month Med-1 form. N.J.A.C. 10:90-6.10(a)(1). Accordingly, there is sufficient credible evidence Petitioner was not, and is not presently eligible for an extension of EA under the HAP pilot.

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director