



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 8580-15 D.M.

AGENCY DKT. NO. GA52408 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because he had exhausted all EA benefits and because, purportedly, he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 16, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 16, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

Based upon the record present, it appears Petitioner may be eligible for an extension of EA under the Housing Assistance Program ("HAP") pilot. HAP is a pilot program which expands upon the granting of EA benefits. HAP was designed to provide additional housing assistance to WFNJ recipients who are determined permanently disabled and Supplemental Security Income ("SSI") recipients who are in imminent danger of homelessness, who have exhausted all EA extensions, as appropriate, provided such recipients continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. See 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 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 ALJ found that the Agency failed to meet its burden of proof regarding Petitioner's SP violation, and therefore, EA benefits are to be provided in the form of shelter placement, giving Petitioner the opportunity to obtain housing. See Initial Decision at 4. Additionally, the ALJ directed that Petitioner's SP be updated, to clarify the SP's requirements versus its goals. *Ibid.* I agree with the ALJ's directive.

It appears from the record that Petitioner has exhausted his lifetime limit of EA benefits, and may now qualify for an extension of EA benefits under HAP. *Id.* at 3. The record indicates that Petitioner has an SSI application pending, however, in order to be eligible for HAP, he must also provide the Agency with a MED-1 form indicating at least 12 months of disability, which according to the record he may already have. *Ibid.*; see also N.J.A.C. 10:90-6.10(1)(i). Petitioner is therefore directed to provide the Agency with the requisite MED-1 form within 10 days of the date of this decision, if he has not already done so.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

Signed Copy on File

at DFD, BARA

JUN 25 2015

Natasha Johnson
Director