



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 11225-15 G.W.

AGENCY DKT. NO. GA174965 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she does not meet the requisite criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2015, the Honorable Joann LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 5, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA is limited to twelve lifetime cumulative months, plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(a). A WFNJ/GA recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional reasons beyond those listed in [the] regulation...only after conferring with DFD").

The record reflects that Petitioner is a WFNJ/GA recipient who has received 13 months of EA. See Initial Decision at 2; see also Exhibit R-1. Specifically, Petitioner has received EA in the form of shelter placement since July 3, 2014. See Initial Decision at 2. At the hearing, Petitioner testified that she has a pending Supplemental Security Income ("SSI") application, and Petitioner provided a Med-1 form indicating that she is unable to work from May 20, 2015, through November 20, 2015. See Initial Decision at 2; see also Exhibits P-1 and P-2. Based on the foregoing, the ALJ found that Petitioner has met the eligibility requirements for a six-month extreme hardship extension of EA. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.4(b)(2).

However, I disagree with, and hereby reject, the ALJ's finding for the following reason. Petitioner's pending SSI application is the sole basis for her request for an EA extreme hardship extension. See Initial Decision at 2-3. The regulation upon which the ALJ relies states that, in order to qualify for a six-month extreme hardship extension, recipients who have either a pending SSI application, or an appeal of the denial of same, must provide supporting medical documentation. See N.J.A.C. 10:90-6.4(b)(2). The medical documentation required in support of a SSI application is a 12-month Med-1 form proving the existence of a permanent disability. Here, Petitioner's six-month Med-1 form does not illustrate that she is permanently disabled. Therefore, Petitioner's medical documentation appears insufficient to support potential SSI eligibility. Thus, because Petitioner did not present a 12-month Med-1 form, she has not met the criteria for a six-month extreme hardship extension pursuant to N.J.A.C. 10:90-6.4(b)(2). On that basis, I find that the Agency's action was appropriate and must be affirmed.

Accordingly, the Initial Decision in this matter is hereby REJECTED and the Agency's determination is hereby AFFIRMED.

AUG 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director