



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 6444-14 J.M.

AGENCY DKT. NO. GA463896 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot due to a failure to meet the regulatory criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2014, the Honorable John F. Russo, Jr., Administrative Law Judge ("ALJ"), closed the record, and at the request of the parties, determined the matter on the papers. On November 24, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

Petitioner and her spouse both receive Work First New Jersey/General Assistance ("WFNJ/GA") cash benefits. Initial Decision at 2. Both individuals exhausted their 12-month lifetime EA limit, and apparently did not apply for an extreme hardship extension under N.J.A.C. 10:90-6.4(b). Initial Decision at 2-3. Petitioner contends the household is eligible for an extension of EA under the HAP pilot because she has a 12-month MED-1 form and a pending application for Supplemental Security Income ("SSI") benefits. Initial Decision at 3. Although he allegedly suffers from anxiety and headaches, the spouse does not have either a 12-month MED-1 form or a pending application for SSI benefits. Ibid.

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 WFNJ/GA recipient, such as Petitioner, may qualify for an additional six months of EA when an "extreme hardship" exists. See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA that a WFNJ/GA benefit recipient may receive is eighteen months. *Ibid.*

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which 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/GA 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). To be eligible for the HAP, one or more criteria must be met. 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). 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) and N.J.A.C. 10:90-4.10(a)(2). A WFNJ/GA client may also be eligible for EA under HAP when "there is recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment." See N.J.A.C. 10:90-6.10(a)(1)(iii).

The Housing Hardship Extension ("HHE") is another pilot program which also expands upon the granting of EA extensions, but only for WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients, not WFNJ/GA benefits recipients. See N.J.A.C. 10:90-6.9.

The record in this matter reflects that Petitioner is a WFNJ/GA recipient who has reached her lifetime limit of 12 months of EA. See Initial Decision at 2. There is no evidence Petitioner applied for, or is eligible for, an extreme hardship extension of EA under N.J.A.C. 10:90-6.4(b). Moreover, applying the regulatory standards for HHE and HAP as outlined above, it is clear that Petitioner is not eligible for a further extension of EA under either pilot program. Petitioner is not eligible for an extension under HHE, as that program is restricted to WFNJ/TANF benefits recipients. Additionally, Petitioner is not eligible for an extension under HAP, as her spouse has not provided proof of an SSI application or appeal, or a MED-1 substantiating at

least 12 months of disability. See Initial Decision at 3. The ALJ correctly applied the requisite regulatory criteria in considering Petitioner's eligibility for an EA extension under HAP, and correctly found that Petitioner is currently ineligible under HAP.

By way of comment, this decision is without prejudice to the Petitioner's right to apply for an extreme hardship extension, or to reapply for an extension of EA under the HAP pilot, subject in both cases to applicable eligibility criteria.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination is AFFIRMED.

FEB 11 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director