



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 11493-14 J.O.

AGENCY DKT. NO. GA513148 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA because she reached the 12-month lifetime limit of EA benefits and does not qualify for an EA extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 17, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 17, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

An exception was filed by Petitioner and received in the Bureau of Administrative Review and Appeals on September 24, 2014.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an Independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a).

For Work First New Jersey/General Assistance("WFNJ/GA") recipients such as the Petitioner, EA benefits are limited to twelve months and a single six month "extreme hardship" extension under N.J.A.C. 10:90-6.4(b). N.J.A.C. 10:90-6.1(b) lists five categories in which an extension of EA, based upon extreme hardship, shall be provided. Thus, the maximum amount of EA a WFNJ/GA recipient may receive is 18 months.

In the event a WFNJ/GA recipient does not qualify for an extreme hardship extension or has exhausted her extreme hardship extension, she may qualify for up to an additional 24 months of EA under the Housing Assistance Program ("HAP") pilot, N.J.A.C. 10:90-6.10. To qualify for an extension under HAP, the recipient must have a Med-1 form substantiating 12 months of disability and have applied for Supplemental Security Income ("SSI") or have appealed the denial of a SSI application. N.J.A.C. 10:90-6.10.

Here, the Petitioner has received 14 months of EA, thereby exhausting her 12 month lifetime limit of EA benefits. Furthermore, nothing on the record indicates that she qualifies for additional EA under an "extreme hardship" extension under N.J.A.C. 10:90-6.4. Furthermore, Petitioner is not eligible for the HAP pilot because she is employable, has not been determined permanently disabled, nor is she a SSI applicant or recipient. See N.J.A.C. 10:90-6.10(a)(1)(i). Consequently, the Agency's denial of Petitioner's application for EA was proper.

Petitioner noted in her exception that she has been seeking employment since 2013, but to no avail and asserts that she has taken all reasonable steps. Nevertheless, Petitioner has not provided evidence that she has a medical basis or meets any of the other criteria for a hardship eligibility. If Petitioner obtains employment and locates an affordable housing arrangement, additional assistance may be considered.

Accordingly, the Agency action is AFFIRMED.

OCT - 2 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director