



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 12712-14 K.H.

AGENCY DKT. NO. C091275 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 10, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On October 14, 2014, the ALJ issued an Initial Decision. The ALJ affirmed the Agency's denial of EA because Petitioner had exhausted her lifetime limit of EA and failed to comply with her EA service plan and supply the required documentation necessary for an EA extension under the Housing Assistance Program ("HAP") pilot.

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 Initial Decision and the record, and I AFFIRM the ALJ's Initial Decision.

I agree with the ALJ that the Agency properly denied Petitioner an extension of EA. Petitioner, a WFNJ/TANF recipient, has exhausted her lifetime limit of EA benefits and two extreme hardship extensions. Indeed, Petitioner has received a total of twenty-four months of EA, which is the maximum amount of EA benefits permitted under the regulations for a WFNJ/TANF recipient. See N.J.A.C. 10:90-6.4(limiting EA to a lifetime limit of twelve months, plus two six-month extreme hardship extensions). Moreover, Petitioner is ineligible for the HAP because she failed to provide the necessary documentation requested by the Agency in order to evaluate her HAP eligibility. See N.J.A.C. 10:90-6.10(a)1i(requireing pending Supplemental Security Income ("SSI") application and MED-1 form).

I further agree with the ALJ that Petitioner may re-apply for EA after her six-month penalty has expired. See N.J.A.C. 10:90-6.6(a)(imposing six-month penalty for failure to comply with EA service plan). To the extent that the Agency has imposed a separate and subsequent six-month penalty for Petitioner's refusal of a shelter placement, I direct that said penalty be rescinded. See Exhibit R-1 at 1. Thus, Petitioner may re-apply for EA in December 2014 after her six-month penalty for non-compliance with her EA service plan has ended.

In addition, I note that there seem to have been some changes in Petitioner's circumstances. First, it appears that Petitioner subsequently obtained a MED-1 form and filed an application for SSI. See Exhibit R-1 at 16, 17. Second, it looks as if Petitioner's WFNJ/TANF case was closed and her child may have been removed from her custody. See Initial Decision at 5 and Exhibit R-1 at 5. Thus, because Petitioner's circumstances appear in flux, any re-application should consider Petitioner's circumstances at that particular point in time.

By way of comment, the Agency shall refer Petitioner to any organizations that may be able to assist with her current needs. Also, in light of there being an open Division of Child Protection and Permanency ("DCP&P") case for Petitioner, a copy of the Initial and Final Decisions shall be sent to the DCP&P.

Accordingly, the Initial Decision and Agency action are AFFIRMED.

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director