



*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 7930-14 L.P.

AGENCY DKT. NO. C177913 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 14, 2014, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 29, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

The Agency submitted exceptions on September 12, 2014.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby REVERSE the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied an extension of EA under the Housing Assistance Program ("HAP") pilot, and contends Petitioner does not meet any of the eligibility criteria in N.J.A.C. 10:90-6.10(a)(1). The ALJ in material part found Petitioner submitted acceptable medical documentation and reversed the adverse Agency determination. I disagree.

The HAP pilot authorizes an extension of EA for up to 24 months for qualified WFNJ and Supplemental Security Income ("SSI") recipients who exhausted their 12-month

lifetime EA limit and applicable extensions, and who are in imminent danger of homelessness. N.J.A.C. 10:90-6.4; -6.9; -6.10.

Petitioner is neither permanently disabled nor an SSI recipient. N.J.A.C. 10:90-6.10(a)(1). Similarly, Petitioner does not have a 12-month Med-1 form, or a pending application for, or an appeal from the dismissal of a claim for Retirement, Survivors Disability Insurance or SSI benefits. N.J.A.C. 10:90-6.10(a)(1)(i). Petitioner is not the sole caretaker of a severely disabled or seriously ill dependent child. N.J.A.C. 10:90-6.10(a)(1)(ii).

Petitioner's minor child does have a pending appeal from a thrice-denied application for SSI, but not a current 12-month Med-1 form. N.J.A.C. 10:90-6.10(a)(1)(i). The ALJ inappropriately relied upon, and gave determinative weight to a single-page medical chart which pre-dates the EA application by more than 6 months, does not state the child is severely disabled or seriously ill and does not indicate any period of disability. Equally relevant, the chart reflects that the child is enrolled in school.

By way of comment, I recommend the Agency reevaluate Petitioner's eligibility for continued WFNJ/TANF cash benefits based upon her apparent receipt of 70 months of EA, an amount that suggests Petitioner may have exhausted her cumulative lifetime WFNJ limit and applicable exemptions and extensions.

For the foregoing reasons, I REVERSE the Initial Decision and AFFIRM the Agency determination.

**NOV 07 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director