



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 3939-15 M.F.

AGENCY DKT. NO. C368500 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she exhausted her lifetime limit for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 20, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 4, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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

EA benefits, for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") are limited to 12 months, plus two six-month extensions for "extreme hardship," if applicable. N.J.A.C. 10:90-6.4. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for the Housing Hardship Extension ("HHE") pilot, which expands upon the granting of EA benefits for WFNJ/TANF recipients. N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA benefits. *Ibid.*

The Housing Assistance Program ("HAP") is another pilot program which expands upon the granting of EA extensions. HAP was designed to provide additional housing assistance to WFNJ 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); see also N.J.A.C. 10:90-6.10(a)(1). To be eligible for HAP, one or more criteria must be met. See 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); see also N.J.A.C. 10:90-4.10(a)(2).

The record indicates that Petitioner has received 54 months of EA benefits. See Initial Decision at 2. The record further indicates that these benefits included, 12 months of EA benefits, two six-month extreme hardship extensions, plus 30 months of additional EA benefits unattributed to any specific EA extension program or pilot. See Exhibits R-1 at 3 and R-2. However, it can be deduced from the Agency's check history, see Exhibit R-2, that Petitioner must have received 12 months of EA benefits under HHE, as this would be the only way to account for the EA benefits provided to her after July 2, 2012, which is the effective date of the HHE pilot.

Additionally, Petitioner is not eligible for an extension of EA benefits under HAP, because she has not provided the Agency with the required Med-1 form indicating at least 12-months of disability. See Initial Decision at 2; see also N.J.A.C. 10:90-6.10(a)(1)(i).

Clearly, Petitioner has exhausted her lifetime limit of EA benefits, and therefore, the Agency properly terminated Petitioner's EA benefits.

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

Signed Copy on File

at DFD, BARA

MAY 26 2015

Natasha Johnson
Director