



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 15270-14 P.V.

AGENCY DKT. NO. GA365881 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his request for an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner an extension of EA benefits under HAP because there is no documentation showing that he is the sole caretaker of a severely disabled or seriously ill dependent family member. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 21, 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

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

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 Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is eighteen months.

The HAP pilot program provides continued EA benefits to WFNJ and SSI recipients who have exhausted their lifetime limit of EA and extreme hardship extensions. See N.J.A.C. 10:90-6.10. To qualify for HAP, the applicant must be a WFNJ recipient or an SSI recipient/applicant who is permanently disabled, facing imminent homelessness and otherwise meets the criteria for EA benefits as set forth at N.J.A.C. 10:90-6.1. N.J.A.C. 10:90-6.10(a); see also -6.10(a)(1)(ii)(defining criteria to include "the sole caretaker of a severely disabled or seriously ill dependent child or family member"). Of course, Petitioner will need to provide proper medical documentation for any HAP application. N.J.A.C. 10:90-6.10(a)(1)(i).

The record indicates that Petitioner, a WFNJ/GA recipient, has received ninety-six units of EA which clearly support that he has exhausted his 12-month lifetime EA limit, his 6-month "extreme hardship" extension of EA. See Initial Decision at 2.

Regardless, Petitioner was seeking additional EA assistance under HAP as the sole caretaker of his severely disabled or seriously ill mother. *Ibid.*; see also N.J.A.C. 10:90-6.10(a)(1)(ii). However, the record demonstrates, and the ALJ found, that the three MED-5 forms Petitioner provided to prove his caretaker status, indeed did not provide such proof. See Initial Decision at 2-3. Specifically, the MED-5 dated March 6, 2014, indicated that Petitioner's mother does not require supervised home care, and if she did, Petitioner is not the only one who could provide this care. See *id.* at 3; see also Exhibit R-1 at 14-17. Likewise, the second MED-5 form dated August 19, 2014 reports the same finding. See Initial Decision at 2; see also Exhibit R-1 at 24-27. Finally, the third MED-5 form, provided after the date of the hearing, indicated that while Petitioner's mother still does not require supervised home care, Petitioner is now the only one who can provide her care in the form of monitoring her medications and taking her to her appointments. See Initial Decision at 3; see also Exhibit R-1 at 3-6.

Based on the foregoing MED-5 forms, the ALJ found, and I agree, that Petitioner's mother does not need a caretaker to the extent that Petitioner could not seek employment. Therefore, the Agency's denial of Petitioner's request for an extension of EA benefits under HAP was appropriate.

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

Signed Copy on File

at DFD, BARA

MAR 09 2015

Jeanette Page-Hawkins
Director