



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 12696-14 S.C.

AGENCY DKT. NO. C184085 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the termination of her Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because it determined that Petitioner had exhausted her lifetime EA benefit and any applicable extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 8, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On February 2, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). 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/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits

recipient may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). 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, they may qualify for an extension of EA under the Housing Hardship Extension ("HHE") pilot program, which expands upon the granting of EA extensions for WFNJ/TANF recipients. N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit on EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA. *Ibid.*

The Housing Assistance Program ("HAP") pilot is another program which also expands upon the granting of EA extensions, and was designed to provide additional housing assistance for up to twenty-four months 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. 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) and N.J.A.C. 10:90-4.10(a)(2).

Here, the ALJ found that Petitioner has used twenty-nine months of EA benefits. See Initial Decision at 2. Based upon an independent review of the record, it therefore appears that Petitioner has exhausted her twelve-month lifetime limit, two six-month extreme hardship extensions, as outlined above, and five months under HAP. The record further shows that Petitioner has a current twelve-month MED-1 form and is unable to work. See Exhibit R-2. Additionally, Petitioner has applied for SSI. See Exhibit P-1. As such, I agree with the ALJ that Petitioner is eligible to receive EA benefits under HAP.

Based upon the foregoing, I ADOPT the Initial Decision and REVERSE the Agency determination.

MAR 23 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director