



State of New Jersey

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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 17204-14 S.M.

AGENCY DKT. NO. GA418641 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied the Petitioner's application because she had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2015, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents into evidence. On January 7, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 months, plus limited extensions for "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. 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 a WFNJ/GA recipient may receive is 18 months.

If the WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP"), which is a pilot program that expands upon the extensions of EA benefits. HAP was designed to provide additional housing assistance for up to twenty four months to WFNJ/GA 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). To be eligible for the 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). A WFNJ/GA client may also be eligible for EA under HAP when "there is recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment." See N.J.A.C. 10:90-6.10(a)(1)(iii).

A review of the record reveals that Petitioner has received over 48 months of EA including HAP benefits and has not obtained a Med-1. See Initial Decision at 2. The record does not indicate whether she received an "extreme hardship" extension, nor does it identify how many months of HAP she received. In addition, the record indicates Petitioner has been issued a warrant of removal and is imminently homeless. *Id.* at 2-3. Although Petitioner previously lived with a mentally impaired individual and acted as his Payee for government benefits payments, they have since separated and she no longer holds that role. *Id.* at 2.

In light of these findings, I agree with the ALJ that Petitioner is not entitled to additional EA benefits. As a WFNJ/GA recipient, she is eligible for a possible 18 months of EA, inclusive of a 6 month extreme hardship extension, plus another possible 24 months under the HAP program, if she qualifies. Despite the lack of clarity and documentation in the record as to the breakdown of benefits received by Petitioner, it would appear that Petitioner has received the maximum amount. Moreover, although Petitioner stated she received benefits under HAP, the record is bereft of evidence that Petitioner qualifies under the HAP program. See Initial Decision at 3. Although she is imminently homeless, the record is not conclusive as to whether she is an SSI applicant/recipient or has provided a Med-1 substantiating 12 months of a disability as required by HAP. Therefore, Petitioner is not entitled to additional EA benefits at the present time.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Based upon the foregoing, I hereby ADOPT the Initial Decision and AFFIRM the Agency's action

JAN 20 2018

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director