



*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

REMAND DECISION

OAL DKT. NO. HPW 11232-14 S.T.

AGENCY DKT. NO. C133332 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application on the basis that Petitioner has exhausted her lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 10, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ concluded that based upon Petitioner's testimony that she had submitted three consecutive MED-1 forms, including the MED-1 form entered into evidence, Exhibit P-1, and had an application for Supplemental Security Income ("SSI") pending, Petitioner was eligible to receive EA benefits under the Housing Assistance Program ("HAP") pilot. See Initial Decision at 3. The ALJ also concluded that the MED-1 forms in total substantiated a long-term medical problem that demonstrated that Petitioner was unlikely to ever secure or maintain employment. *Ibid.* The ALJ further found that Petitioner's husband was eligible to receive EA benefits. See *id.* at 4.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter and hereby MODIFY the ALJ's Initial Decision and REMAND the matter to the Agency for further verification.

Page 2

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/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.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under 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).

The record in this matter reflects that Petitioner is a WFNJ/GA recipient who has applied for SSI. See Initial Decision at 3. Petitioner has previously received 32 months of EA benefits. See *id.* at 2. Petitioner contends that she submitted "a MED-1 for each of the last three years" to the Agency. See *id.* at 3. On this basis, coupled with the fact that the Agency did not dispute that Petitioner has had three consecutive MED-1 forms, the ALJ concluded that Petitioner would be eligible for EA benefits under HAP under either -6.10(a)(1)(i) or -6.10(a)(1)(iii), as discussed above.

I disagree with the ALJ that Petitioner would be eligible under -6.10(a)(1)(i), as the plain language of the regulation clearly uses "a," before the term "MED-1," which therefore denotes one single MED-1 form, not more than one cumulative MED-1 forms. However, if the Agency can confirm the existence of multiple MED-1 forms which document a long term medical problem which supports that Petitioner is unlikely to ever secure and/or maintain employment, then Petitioner would be eligible for EA benefits under HAP.

Page 3

Therefore, I am remanding this matter to the Agency to confirm that multiple MED-1 forms have been submitted to the Agency as asserted before the ALJ. If such is confirmed, the Agency shall determine the most appropriate form of EA for the assistance unit. See N.J.A.C. 10:90-6.3(a)(1). As the ALJ also opined that the Petitioner's husband is eligible for EA, the Agency is further ordered under the Remand to evaluate the Husband for EA.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and REMANDED for further handling as outlined above.

DEC - 8 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director