



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 10463-15 T.G.

AGENCY DKT. NO. GA553484 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and denial of her application for an extension of EA benefits under the extreme hardship extension, and under the Housing Assistance Program ("HAP") pilot. The Agency terminated Petitioner's EA benefits because it determined that she had exhausted her 12-month lifetime limit of EA benefits. The Agency denied Petitioner an extension of EA benefits under the extreme hardship extension and HAP because she did not meet the eligibility criteria necessary to qualify for either program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 18, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), 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 are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." A WFNJ/GA recipient may qualify for one six-month EA extension if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c).

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, plus any applicable extreme hardship extensions, the recipient may receive additional EA benefits under the Housing Assistance Program ("HAP"), which was a pilot program that expanded upon the extensions of EA benefits. To be eligible for HAP, one or more criteria had to be met. N.J.A.C. 10:90-6.10(a)(1). One of the criteria was that the recipient could demonstrate that they had "applied for and is either pending approval or appealing a denial of Retirement, Survivors and Disability Insurance ("RSDI") and/or Supplemental Security Income ("SSI") benefits, which shall be supported by a MED-1 form substantiating at least 12 months of disability." See N.J.A.C. 10:90-6.10(a)(1)(i).

Here, the record shows that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, received 12 months of EA benefits, and applied for an extension of EA benefits under the extreme hardship extension. See Initial Decision at 2; see also Exhibits R-5 and R-10. The ALJ found that Petitioner had exhausted her lifetime limit of EA benefits, and did not qualify for an extreme hardship extension because she did not meet at least one of the five eligibility criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See Initial Decision at 2 and 4; see also N.J.A.C. 10:90-6.4(a).

Furthermore, the record shows that Petitioner applied for an extension of EA benefits under the HAP pilot on May 20, 2015. See Initial Decision at 2; see also Exhibits R-3 and R-5. The record reflects that Petitioner submitted two MED-1 forms (one indicating Petitioner's limited ability to be gainfully employed, and the other indicating less than a month of disability), and proof of a pending Supplemental Security Income ("SSI") appeal. See Initial Decision at 2-3; see also Exhibits R-4 and R-9. The ALJ found that while Petitioner currently has a pending SSI appeal, her two submitted MED-1 forms do not substantiate at least a 12-month disability, but rather, indicate that she is able to work with some restrictions. See Initial Decision at 4; see also N.J.A.C. 10:90-6.10(a)(1)(i). The ALJ also found that as Petitioner was employed during July and August, 2015, the months for which she seeks EA benefits, she not only had sufficient income to pay her own rent for those months, but her ability to work made her ineligible for a medical deferral. See Initial Decision at 3 and 4; see also Exhibit R-11.

Based on the foregoing, the ALJ concluded, and I agree, that the Agency properly terminated Petitioner's EA benefits, and properly denied Petitioner's application for an extension of EA benefits under the extreme hardship extension and the HAP pilot. See Initial Decision at 5. Furthermore, since the record shows that Petitioner's WFNJ/GA benefits were terminated as of September 2015, I find that she is not eligible for EA benefits because she is not a WFNJ or SSI benefits recipient. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2 (stating that only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits).

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

Signed Copy on File

at DFD, BARA

DEC 28 2015

Natasha Johnson

Director