



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 5376-15 T.L.

AGENCY DKT. NO. C189139 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner EA benefits under HAP because she did not meet the criteria required for HAP eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2015, the Honorable Patricia M. Kerins, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 4, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on June 8, 2015.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

HAP is a pilot program which expands upon the granting of EA extensions. In relevant part, HAP was designed to provide additional housing assistance to WFNJ recipients who are determined permanently disabled, sole caretakers of a severely disabled or seriously ill dependent child or family member, and Supplemental Security Income recipients, who are in imminent danger of homelessness, and who have exhausted all EA extensions, as appropriate, provided such recipients continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. See N.J.A.C. 10:90-6.10(a)(1).

The Initial Decision indicates that Petitioner sought EA benefits under HAP. Based upon the record before me, it appears that Petitioner is not eligible for an extension of EA benefits under HAP because both she and her husband are employable, have not been determined permanently disabled, and are not SSI applicants or recipients. See Initial Decision at 2; see also N.J.A.C. 10:90-6.10(a)(1)(i). It appears that Petitioner is the sole caretaker for her child, temporarily, as the child's Med-1 form indicates that his mother is to provide him with 24-hour-a-day care, for three months, due to emotional trauma from a dog bite. See Initial Decision at 2; see also Exhibit P-1 at 21. However, when considering eligibility for HAP, the eligibility of the applicant's entire household is looked at, and since Petitioner's husband does not meet any of the criteria for HAP eligibility, I find that Petitioner, whether determined eligible for HAP as sole caretaker or not, is not eligible for EA benefits under HAP. Additionally, it does not appear from the record that Petitioner is homeless or in imminent danger of homelessness, a threshold criterion for EA eligibility pursuant to N.J.A.C. 10:90-6.1(c).

Also, I find that Petitioner is not eligible for an extension of EA benefits under the Housing Hardship Extension ("HHE") pilot because both she and her husband incurred a sanction within the 12 months prior to applying for EA benefits under HHE. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.9(c)(1).

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

Signed Copy on File
at DFD, BARA

JUN 24 2015 _____
Natasha Johnson
Director