



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 9719-14 A.L.

AGENCY DKT. NO. C182450 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of his application for an additional extension of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 8, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were entered into evidence.

On August 11, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ found that while Petitioner had exhausted previous EA extensions, Petitioner was, in fact, eligible for an EA extension under the Housing Assistance Program ("HAP") pilot program. See Initial Decision at 3.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision in this matter.

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.*

HAP is another pilot program which also expands upon the granting of EA extensions. However, 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); 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).

The record in this matter reflects that Petitioner is a WFNJ/TANF recipient who has reached his lifetime limit of 12 months of EA, and who also received two six month hardship extensions. See Initial Decision at 2, para. 2-3. The record further shows that Petitioner received an additional twelve months of EA under HHE. See *id.* at para. 4. Petitioner has applied for disability benefits with the Social Security Administration and has a MED-1 substantiating 12 months of disability. See Initial Decision at 2-3, para. 12, 14. After reviewing the regulatory criteria, the ALJ concluded that Petitioner qualifies for an additional extension of EA under HAP. Based upon the recorded presented, I concur with this decision.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination in this matter is hereby REVERSED.

AUG 19 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director