



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 775-15 B.S.

AGENCY DKT. NO. C033291 (WARREN CO. DIV TEMP ASST & 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 and extension of EA benefits because she did not meet the criteria for eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 11, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 24, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

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 pertinent 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 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. I note that based upon the record before me, it appears that Petitioner is not eligible for an extension of EA benefits under HAP because she is employable, has not been determined permanently disabled, she is not a sole caretaker, nor is she a SSI applicant or recipient. See Initial Decision at 3; see also N.J.A.C. 10:90-6.10(a)(1)(i),(ii). Although Petitioner's spouse is an SSI recipient, when considering eligibility for HAP, the eligibility of the applicant's entire household is looked at, and Petitioner does not meet any of the criteria for HAP eligibility. Ibid. Specifically, as indicated by her child's Med-1 form, her child only needs her constant care when he is not in school, and she is, therefore, able to participate in a WFNJ work activity while the child is in school. See Initial Decision at 3; see also Exhibit R-1 at 5, 7. Additionally, Petitioner's spouse has not provided a Med-1 form indicating that he is in need of Petitioner's constant care, due to his disability. Therefore, Petitioner does not meet the sole caretaker criteria, needed to be eligible for an extension of EA benefits under HAP.

Based on the foregoing, I find that the Agency properly denied Petitioner an extension of EA benefits under HAP.

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

Signed Copy on File
at DFD, BARA

MAY 13 2015

Natasha Johnson
Director