



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 3962-15 C.H.

AGENCY DKT. NO. GA124594 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner EA benefits under HAP because she exceeded her lifetime limit of EA benefits under HAP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 5, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On May 6, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The ALJ found that Petitioner had received 52 months of EA benefits, inclusive of 24 months under HAP, through January 2015. See Initial Decision at 2. The record indicates that Petitioner's previous EA benefits under HAP were terminated, not because of the exhaustion of the 24 month limit for benefits, but because there was no pending Supplemental Security Income ("SSI") application or denial appeal filed within 60 days of the July 2014, SSI final decision, denying her SSI benefits. *Id.* at 4; see also N.J.A.C. 10:90-6.10(a)(1)(i). Thereafter, Petitioner filed a new SSI application, obtained a Med-1 form indicating a 12-month disability, and applied for EA benefits under HAP. *Ibid.* However, the ALJ found that Petitioner's application for EA benefits under HAP was a new application rather than an extension of her prior HAP case, which had ended, she had already exhausted

her 24-month limit for EA benefits under HAP, and therefore, the Agency properly denied her EA benefits under HAP. Ibid.; see also N.J.A.C. 10:90-6.10(a). Additionally, the ALJ found that Petitioner was not eligible for EA benefits under any current program.

Exceptions to this Initial Decision were filed by Legal Services on behalf of Petitioner on May 14, 2015.

A Response to Petitioner's Exceptions was filed by the Agency on May 18, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, I note for the benefit of the Agency that replies to exceptions or cross-exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

MAY 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director