



State of New Jersey

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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 14765-14 C.S.

AGENCY DKT. NO. C192466 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied Petitioner's request because it maintained that she had failed to comply with her service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2014, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On November 25, 2014, the CALJ issued an Initial Decision reversing the Agency's determination. The CALJ found that during the period of time that Petitioner had told an employer she was not available to work, she in fact had a completed MED-1 form. See Initial Decision at 3. The CALJ noted that Petitioner had advised the Work First New Jersey ("WFNJ") unit at the Agency of her disability, but had not advised the EA division. *Ibid.* The CALJ also found that "at a time her MED-1 form said she could not work, she signed a service plan requiring her to work." *Ibid.* The CALJ further noted that Petitioner now has a new MED-1 form, substantiating a year of disability, is unable to work and has applied for Supplemental Security Income ("SSI"). *Ibid.* The CALJ concluded that based upon Petitioner's inability to work, the one year MED-1 form and her recent application for SSI, Petitioner was eligible for EA benefits under HAP, N.J.A.C. 10:90-6.10(a)(1)(i). See *id.* at 4.

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 CALJ'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 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. The record further reflects that when Petitioner applied for EA benefits in September 2014, she noted upon her application that she had exhausted her 12 month lifetime

limit, plus two 6 month extreme hardship extensions and applied for EA benefits under HHE. See Exhibit R-2. However, the CALJ concluded, and it was acknowledged by the Agency representative at the hearing, that Petitioner had only utilized one 6 month extreme hardship extension, plus one month, or nineteen months of EA in total. See Initial Decision at 2. I agree with the CALJ that it appears that Petitioner is now eligible to receive under EA under HAP, and as such, I concur with the CALJ's decision. However, in light of the existence of additional months of EA under an extreme hardship extension, I am remanding to the Agency for further handling.

By way of comment, it does appear that at the time of Petitioner's application, the Agency made a proper decision based upon the information they had available to them. The existence of the MED-1 and communication with the WFNJ unit seems to have been unknown to the EA unit.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination in this matter is hereby REVERSED. The matter is REMANDED to the Agency for further handling as outlined above.

DEC - 4 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director