



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 12123-14 D.P.

AGENCY DKT. NO. GA122693 (RIDGEFIELD PARK MWD)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner's EA benefits because he did not have documentation of a long-term medical or psychological problems that indicate he is unlikely to ever secure and/or maintain employment. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 25, 2014, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On September 26, 2014, the ALJ issued an Initial Decision. The ALJ found Petitioner eligible for EA under the HAP because he had submitted a MED-1 form and proof of a pending Supplemental Security Income ("SSI") appeal in accordance with N.J.A.C. 10:90-6.10(a)1i. Thus, the ALJ reversed the Agency's denial of HAP. However, because Petitioner's MED-1 form was partly incomplete, the ALJ conditioned the provision of EA under HAP on Petitioner's provision of a fully completed MED-1 form.

Exceptions to the Initial Decision from the Agency were received on September 30, 2014. The Agency continues to contend that Petitioner is ineligible for the HAP because he has not presented documentation of a long-term medical or psychological problem as required under N.J.A.C. 10:90-6.10(a)1iii. The Agency further maintains that depression is not a "permanent disability" and Petitioner has exhausted his lifetime limit of EA benefits.

Page 2

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 AFFIRM the Initial Decision.

Here, I agree with the ALJ that Petitioner has submitted the required documentation for an extension of EA under the HAP. Pursuant to N.J.A.C. 10:90-6.10(a)1i, in order to be eligible for the HAP, a recipient must be pending approval or appealing a denial of SSI and provide a MED-1 form indicating at least a 12 month period of disability. It appears the Agency has relied solely on N.J.A.C. 10:90-6.10(a)1i as a basis to deny Petitioner EA under the HAP. However, an applicant is not required to meet all six criteria listed under N.J.A.C. 10:90-6.10(a)1, but only one criterion. And, in the present matter, Petitioner appears to meet the qualifying criteria at N.J.A.C. 10:90-6.10(a)1 because he has a pending SSI application and a MED-1 form. See Exhibit R-3, MED-1 form, and Exhibit R-7, SSI application.

However, I also agree with the ALJ that Petitioner must provide the Agency with a fully completed MED-1 form. Petitioner's MED-1 form is missing responses to questions 2 and 3 under Section D, Employment Evaluation. Further, the MED-1 form is missing any description of Petitioner's symptoms that affect his ability to work. See Section C., Psychiatric/Psychological Disability, at Comments. Therefore, Petitioner must submit a fully completed MED-1 form to the Agency in order to receive EA under the HAP.

By way of comment, the Agency appears to have based its denial in part on the MED-1 form being completed by an Advance Practice Nurse ("APN"). But, an APN is permitted to complete a MED-1 form under the regulations. See N.J.A.C. 10:90-2.4(a)3 and -4.10(b); see also DFDI #14-06-04, "Medical Professionals Authorized to Complete the WFNJ Medical Deferral Form (WFNJ-MED-1)." Nor is there any regulatory requirement that a MED-1 form with a psychiatric diagnosis be completed by a psychiatric healthcare professional, including a psychiatric APN. Of course, the Agency may require that Petitioner provide documentation of his psychiatric diagnosis from his treating psychiatric healthcare professional as part of Petitioner's Individual Responsibility Plan and EA Service Plan.

Accordingly, I AFFIRM the ALJ's Initial Decision and REVERSE the Agency's action.

OCT 21 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director