



## State of New Jersey

### 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 12438-15 F.B.

AGENCY DKT. NO. C460211 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits under the former Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner EA benefits because it determined that she had exhausted her lifetime limit of EA and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 21, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On September 25, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner received 31 months of EA benefits and applied for a further extension of EA benefits under HHE. See Initial Decision at 2; see also Exhibit R-1 at 6. The ALJ found that Petitioner did not meet the eligibility criteria for an EA extension under HHE because she had indicated on her Social Security Disability Insurance ("SSDI"), a/k/a SSD, application that she was not employable due to her disabling condition. See Initial Decision at 4; see also Exhibit P-4 at 1. I find that Petitioner may have been eligible for an EA extension under HHE at the time of her application on June 25, 2015, because she did not apply for SSDI, indicating her employment ineligibility, until September 3, 2015, as the ALJ likewise noted. See Initial Decision at 3. However, I further find that while Petitioner may have been eligible for an EA extension under HHE at the time of her application, she has received continued assistance until the pendency of the fair hearing, as indicated on the Fair Hearing Data Sheet. Additionally, I find

that even if Petitioner was granted an EA extension under HHE, her EA benefits eventually would have been subject to early termination, due to Petitioner not being employable, as indicated on her SSDI application. See Exhibit P-4 at 1; see also N.J.A.C. 10.90-6.9(b)(2). The record also shows that Petitioner was denied an extension of EA benefits under the former Housing Assistance Program ("HAP") pilot. See Initial Decision at 2; see also Exhibit R-1 at 2. The ALJ found that while Petitioner had applied for SSDI, more than two months after her application for an extension of EA, she did not provide a MED-1 form, indicating at least a 12-month disability. See Initial Decision at 3; see also N.J.A.C. 10:90-6.10(a)(1)(i). Accordingly, the ALJ concluded that the Agency properly denied Petitioner an extension of EA benefits under HAP and HHE because she did not meet the eligibility criteria necessary to qualify under either pilot, and because she had exceeded the lifetime limit of EA benefits and all available extensions. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4, -6.9, and -6.10.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), 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, the HAP and HHE pilot programs expired on July 2, 2015, and no new applications for HAP or HHE are being accepted after July 6, 2015. See DFD Instruction No. 15-07-02.

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

*Signed Copy on File*

at DFD, BARA

**OCT 29 2015**

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Natasha Johnson  
Director