



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

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 8467-15 J.J.

AGENCY DKT. NO. GA43910 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits because she failed to come into the Agency to apply for an extension of EA benefits under the Housing Assistance Program ("HAP") pilot. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 12, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 18, 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. HAP was designed to provide additional housing assistance to WFNJ 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. See N.J.A.C. 10:90-6.10(a)(i). One of the criteria is that

Page 2

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 record indicates that Petitioner is a Work First New Jersey/General Assistance recipient, has received 94 months of EA benefits, has a MED-1 form indicating 12 months of disability, has applied for Supplemental Security Income ("SSI"), her monthly rent is \$658, she is four months behind in her rent, and has an eviction pending. See Initial Decision at 5. The record further indicates that Petitioner had a hearing regarding her SSI application on March 30, 2015, but was unable to relate the results of the hearing or status of her SSI matter. *Id.* at 5.

Based on the foregoing facts, it appears that Petitioner may be eligible for HAP, however, she failed to go into the Agency to apply for HAP, and accordingly, the Agency properly denied Petitioner EA benefits because she had exceeded her lifetime limit for said benefits. See N.J.A.C. 10:90-6.4 (stating that EA benefits are limited to 12 months, plus one six-month extreme hardship extension). However, as it appears that Petitioner has a MED-1 form indicating a 12-month disability and has applied for SSI benefits, she may apply for EA benefits under HAP, with eligibility being contingent upon her going into the Agency to apply for HAP, and providing the Agency with the status of the SSI application, upon which the March 30, 2015, SSI hearing relates, within 15 days from the date of this Final Decision. Further, if Petitioner's SSI application has been denied, and she failed to appeal the denial, she will be ineligible for EA benefits under HAP.

By way of comment, because it appears from the record that Petitioner has recently been the victim of domestic violence, the Agency is to refer Petitioner for a Family Violence Option risk assessment, pursuant to N.J.A.C. 10:90-20.1 et seq. See Initial Decision at 3.

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

Signed Copy on File

at DFD, BARA

JUL - 7 2015

Natasha Johnson
Director