



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 1621-15 J.R.

AGENCY DKT. NO. GA22450 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he exhausted his lifetime limit of EA benefits, including an extreme hardship extension, and he did not qualify 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 February 23, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On February 27, 2015, the ALJ issued an Initial Decision, which affirmed 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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

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/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months.

If a WFNJ/GA recipient exhausts their lifetime limit for EA benefits, the recipient may receive additional EA benefits under HAP, which is a pilot program that expands upon the extensions of EA benefits. 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). To be eligible for the 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). However, a WFNJ cash recipient or SSI recipient who has received an EA penalty, without a showing of good cause for his actions or inactions, within the 12-month period prior to applying for HAP, is ineligible for the program. N.J.A.C. 10:90-6.10(b)(2).

N.J.A.C. 10:90-6.3(c) provides, "EA shall not be provided to adult recipients who are terminated without good cause from an EA placement ... for a period of six months when the termination is the result of the recipient's actions, which may include, but are not limited to, the actions identified in (c)(1) through 6 below ... Destruction of property ... Threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents ... Violation of health and safety policies"

The record clearly indicates that Petitioner has received 61 months of EA benefits beginning back in 1998. See Initial Decision at 2. However, the record indicates that to date, Petitioner has only received 16 months of EA benefits under HAP. See Exhibit R-2 at 1-2. Nevertheless, Petitioner failed to follow through on his SSI application, and had not provided the Agency with a Med-1 form indicating 12 months of disability, which is one of the threshold criteria needed to establish HAP eligibility. See Initial Decision at 6; see also N.J.A.C. 10:90-6.10(a)(1)(i). Additionally, the record shows that Petitioner had been evicted from several EA placements, due to his own misconduct, and accordingly, the

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Agency imposed a six-month period of ineligibility for EA benefits, effective June 30, 2014. See Initial Decision at 2, 6; see also Exhibit R-1 at 7, 16 and N.J.A.C. 10:90-6.3(c). Based on the foregoing facts, I find that Petitioner is ineligible for an extension of EA benefits under HAP.

By way of comment, I note that Petitioner suffers from mental health issues, and that the Agency properly addressed these issues in his EA service plan. However, although the regulations contemplate special treatment of someone suffering from a mental impairment, they do not contemplate a revolving door of EA placements for a continually disruptive individual. See Initial Decision at 2, 6; see also Exhibit R-1 at 11, 12, and N.J.A.C. 10:90-6.1(c)(2).

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

Signed Copy on File
at DFD, BARA

APR 27 2015

Natasha Johnson
Director