



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 4907-15 K.B.

AGENCY DKT. NO. GA520171 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner an extension of EA benefits under HAP because she failed to provide the Agency with the documentation required to establish HAP eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 10, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's denial, and modified the Agency's action based upon new evidence presented at the hearing.

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.

HAP is a pilot program which expands upon the granting of EA benefits. 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 the recipient can demonstrate that they have "applied for and are 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).

Here, the ALJ found, and I concur, that at the time Petitioner applied for an extension of EA benefits under HAP, she had a MED-1 form that was about to expire, therefore Petitioner did not meet the eligibility criteria for HAP, and the Agency properly denied Petitioner EA benefits under HAP. See Initial Decision at 4; see also N.J.A.C. 10:90-6.10(a)(1)(i). However, at the time of the hearing Petitioner offered into evidence a new MED-1 form which indicates a 12-month disability through April 20, 2016. See Initial Decision at 4; see also Exhibit P-2. Based on Petitioner's new MED-1 form, the ALJ ordered the Agency to reevaluate Petitioner for EA eligibility under HAP, and if found eligible, to provide EA benefits as set out in his Initial Decision. See Initial Decision at 5.

However, in regards to the ALJ's modification of the Agency's action, it must be noted, that in order for Petitioner to be found eligible for EA benefits under HAP, she must also provide the Agency with proof that she has applied for SSI and is either pending approval, or appealing a denial, of her application. See N.J.A.C. 10:90-6.10(a)(1)(i). Accordingly, Petitioner is directed to provided documentation of her SSI application to the Agency, if she has not already done so, after which the Agency may reevaluate her for an extension of EA benefits under HAP as directed by the ALJ.

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

Signed Copy on File

at DFD, BARA

JUN 25 2015

Natasha Johnson
Director