



State of New Jersey

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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 15806-14 K.W.

AGENCY DKT. NO. C220211 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") or Housing Assistance Program ("HAP") pilot programs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On January 21, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 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/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, may qualify for an additional six months of EA benefits when an "extreme hardship" exists. Ibid. In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA benefits may be provided. Ibid. Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

In the event a WFNJ/TANF benefits recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for TANF benefit recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF benefits recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their 12-month lifetime limit of EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF benefits recipient may receive up to an additional 12 months of EA. Ibid.

HAP is another pilot program that expands upon the extensions of EA benefits. However, HAP was designed to provide additional housing assistance for up to 24 months to WFNJ and Supplemental Security Income ("SSI") benefits 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. 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). A WFNJ client may also be eligible for EA benefits under HAP when "there is recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment." See N.J.A.C. 10:90-6.10(a)(1)(iii).

The record in this matter shows that Petitioner has used 44 months of EA benefits; her 12-month lifetime EA limit, two extreme hardship extensions, and an additional 20 months of EA benefits, presumably under the HHE pilot program. Initial Decision at 2; Exhibit R-1. As such, I find that Petitioner has exhausted all available EA benefits. Moreover, I concur with the ALJ that Petitioner is not presently eligible for an extension of EA benefits under the HAP pilot program, as discussed above. Initial Decision at 3.

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Based upon the foregoing, I find that the Agency appropriately denied further EA benefits because Petitioner exhausted her 12-month lifetime EA limit, two extreme hardship extension, and all available EA benefits under the HHE pilot program, and did not meet any of the eligibility criteria for an extension of EA benefits under the HAP pilot program. Petitioner may reapply, without prejudice, for EA benefits under the HAP pilot if she meets the eligibility criteria, as discussed above.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

MAR 09 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director