



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 12238-14 P.C.

AGENCY DKT. NO. C180045 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she had exhausted all available EA and did not qualify for any additional extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2014, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On December 8, 2014, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision.

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 the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). 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, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients may qualify for an additional six months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d). 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 may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is 24 months.

In the event that a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all the "extreme hardship" extensions, she may qualify for an extension under the Housing Hardship Extension ("HHE") pilot project, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. To qualify for HHE, the WFNJ/TANF 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 on 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 recipient may receive up to an additional 12 months of EA. Ibid.

The Housing Assistance Program ("HAP") is another pilot designed to provide additional housing assistance for up to twenty four months 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). 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). A WFNJ client may also be eligible for EA 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).

Here, the record indicates that Petitioner has received 44 months of EA benefits inclusive of 12 months under HHE. See Initial Decision at 2. Although Petitioner stated she was injured at work, there was no medical documentation to substantiate that the alleged injury would possibly qualify her for an extension of EA under HAP as she has not provided a 12 month MED-1 form. Ibid. Moreover, there is no evidence that Petitioner is an SSI or RSDI applicant/recipient, that she is taking care of a severely disabled child, or that she diagnosed with HIV with symptoms. See Exhibit R-1 at 2; see also N.J.A.C. 10:90-6.10(a)(1). Therefore, Petitioner has failed to provide evidence that she would qualify for any further extension of EA benefits.

As such, I concur with the ALJ's determination that Petitioner has exhausted her lifetime limit of EA and all available extensions at the present time.

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

JAN 21 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director