



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

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 12801-14 S.B.

AGENCY DKT. NO. C148805 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's undated denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 9, 2014, the ALJ issued an Initial Decision which dismissed Petitioner's appeal.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record in this matter and hereby ADOPT the Initial Decision.

The record in this matter shows that Petitioner receives Supplemental Security Income ("SSI"), Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The record further reveals that the same ALJ heard an appeal by Petitioner in September 2013, also contesting a denial of EA benefits. See Exhibit R-4a. The ALJ upheld the Agency's action and imposition of a six month period of ineligibility for EA benefits because Petitioner's homelessness was due to circumstances within her control. *Ibid.* In a Final Agency Decision dated December 5, 2013, I adopted the ALJ's Initial Decision. See Exhibit R-4b. I noted that Petitioner was free to re-apply for EA after the six month period of ineligibility had expired. See *id.* at 2. I further noted that if Petitioner were to re-apply, that the Agency should consider whether or not Petitioner had exhausted her lifetime limit of EA benefits, including possible extensions. *Ibid.*

It is clear that the prior six month period of ineligibility has now expired and Petitioner again wishes to be considered for EA benefits. The ALJ in the present matter determined that Petitioner had presented "no new facts which would constitute changed circumstances" to support an extension of EA benefits. See Initial Decision at 3. Unlike the prior case, the record here indicates that Petitioner has received 35 units of EA, having exhausted her 12-month lifetime EA limit and applicable extreme hardship extensions. See Exhibit R-2.

Petitioner is potentially eligible for an extension of EA under the Housing Assistance Program ("HAP") pilot because she is an SSI recipient. The HAP pilot authorizes an extension of EA for up to 24 months for qualified Work First New Jersey recipients who are permanently disabled and SSI recipients who are in danger of imminent homelessness. N.J.A.C. 10:90-6.10. Although Petitioner exhausted 35 units of EA, she is potentially eligible for an extension of EA for up to 24 months because she has not previously received EA under the HAP pilot.

Therefore, while I concur with the ALJ that Petitioner has not provided any new information or documentation that supports the granting of EA benefits in the present matter, Petitioner may re-apply for an extension of EA without prejudice. I recommend Petitioner provide documentation to the Agency that she is homeless or imminently homeless. N.J.A.C. 10:90-6.3(a)(1)(ii). In addition, I recommend that Petitioner provide documentation of her total expenses, including recurring medical expenses.

For the foregoing reasons, I ADOPT the Initial Decision in this matter.

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Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director