



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

REMAND DECISION

OAL DKT. NO. HPW 17015-14 S.D.

AGENCY DKT. NO. GA207666 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Petitioner's application for an extension of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. The Agency denied Petitioner an EA extension under HAP because she is employable and therefore not eligible for HAP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2015, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 7, 2015, the ALJ issued an Initial Decision, which reversed 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 REJECT the ALJ's Initial Decision and REMAND the Agency's for a re-evaluation of Petitioner's HAP eligibility.

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 is 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).

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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 eighteen 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).

The record in this matter reveals that after applying to the Agency for an extension of EA under HAP on December 11, 2014, and subsequent denial on December 12, 2014, Petitioner obtained a Med-1 form, substantiating her 12 months of disability, dated December 15, 2014, and proof of a filed SSI application dated December 19, 2014.

Although it appeared at the time of the hearing that Petitioner may be eligible for an extension of EA benefits under HAP because she provided the court with her Med-1 and proof of a filed SSI application, she was not eligible for an extension of EA under HAP on the date she applied to the Agency for said benefits due to lacking the requisite documentation. Accordingly, the Agency was correct in denying Petitioner's request for an EA extension under HAP.

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Based on the foregoing, the Initial Decision is REJECTED, and in light of the Petitioner's Med-1 form and proof of a filed SSI application, the matter is REMANDED back to the Agency for a reevaluation of Petitioner's eligibility for an extension of EA benefits under HAP. In light of the pending eviction, I direct the Agency to expedite this matter.

JAN 15 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director