



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

REMAND DECISION

OAL DKT. NO. HPW 8245-14 S.M.

AGENCY DKT. NO. GA4276 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application based upon its assertions that Petitioner had not taken reasonable steps to resolve the emergent situation, and also, that Petitioner had exhausted all permissible EA and all applicable extensions, having received 78 months of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 21, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On July 23, 2014, the ALJ issued her Initial Decision reversing the Agency's determination. Petitioner did not contest the amount of EA she has received. See Initial Decision at 2. The ALJ noted that Petitioner has an appeal pending with the Social Security Administration, and it also appeared that Petitioner might soon be reached on one of the Section 8 housing lists she is presently on. See Initial Decision at 2-3. The ALJ concluded that these factors warranted three additional months of EA "in order to allow Section 8 and the [Social Security Administration] process to mature to the point where she might have an alternative safety net." See Initial Decision at 4.

No Exceptions to the Initial Decision were filed by either party.

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. Following an independent review of the record, I concur with the ALJ's order to grant

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Petitioner three additional months of EA, yet due to a lack of supporting documentation, I hereby MODIFY the Initial Decision and remand the matter back to the Agency as discussed below.

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 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, such as Petitioner, 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 the 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 Initial Decision states that Petitioner received twelve months of EA, a hardship extension, then additional months of EA under a prior pilot program, the Supportive Housing Assistance Program ("SHAP"), and thereafter, a purported twenty four months under HAP. See Initial Decision at 4. While the Initial Decision further indicates that Petitioner has a pending appeal at the Social Security Administration, it is unclear if Petitioner has a valid one year MED-1 form in effect as is required by HAP.

Accordingly, I concur with the ALJ that Petitioner is eligible for an additional three months of EA, provided that she provides a valid MED-1 to the Agency, if she has not already done so.

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Based upon the foregoing, the Initial Decision in this matter is MODIFIED, and the Agency action is REVERSED and REMANDED to the Agency.

SEP 12 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director