



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7119-15 T.R.

AGENCY DKT. NO. C181618 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she exhausted her lifetime limit of EA benefits, she did not qualify for an extension of EA benefits under the Hardship Housing Extension ("HHE") pilot or under the Housing Assistance Program ("HAP") pilot, and she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 28, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the 12-month period prior to applying for an extension of EA benefits under the HHE pilot disqualifies a WFNJ/TANF recipient from eligibility for HHE. Additionally, HHE is not available to WFNJ/TANF recipients who have caused their own homelessness, without good cause. See N.J.A.C. 10:90-6.9(c)(3).

In relevant part, to be eligible for an extension of EA benefits under the Housing

Assistance Program ("HAP") pilot, one or more criteria must be met. See 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). Additionally, HAP is not available to WFNJ recipients who have caused their own homelessness, without good cause.

Here, the record indicates that Petitioner has exhausted her lifetime limit of EA benefits, she had incurred a sanction within the 12-month period prior to applying for HHE, she does not have a Supplemental Security Income ("SSI") application pending or a Med-1 form indicating at least 12 months of disability, and she caused her own homelessness. See Initial Decision at 2. Accordingly, the ALJ found, and I concur, that Petitioner does not qualify for an extension of EA benefits under HHE or HAP.

By way of comment, as it appears that Petitioner has an open Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, case, she may be eligible for an extension of EA benefits under HAP even though she has been found to have caused her own homelessness. See N.J.A.C. 10:90-6.1(c)(6) ("in consultation with [DCP&P], EA benefits shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements."). Accordingly, if both Petitioner and her husband can provide the Agency with proof that they have applied for and are either pending approval or appealing a denial of SSI benefits, and both provide Med-1 forms substantiating at least 12 months of disability, then the Agency may consider Petitioner's household for HAP eligibility, provided DCP&P intends to keep Petitioner's case open for a minimum of six months. See N.J.A.C. 10:90-6.10(a)(1)(i); see also DFD Instruction 05-12-3 at 2.

By way of further comment, Petitioner may reapply for an extension of EA benefits under HAP provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.10(a)(1)(i), as discussed above.

As it appears that the Petitioner has an open case with DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's children.

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

Signed Copy on File

at DFD, BARA

JUN 09 2015

Natasha Johnson
Director