



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 11667-14 W.T.

AGENCY DKT. NO. GA37585 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 17, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby REVERSE the Initial Decision and MODIFY the Agency determination.

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

For WFNJ/GA recipients such as the Petitioner, EA benefits are limited to 12 months and a single 6 month "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; N.J.S.A. 44:10-51.

In the event a WFNJ/GA recipient does not qualify for an extreme hardship extension or has exhausted his extreme hardship extension, he may qualify for up to an additional 24 months of EA under the Housing Assistance Program ("HAP") pilot, N.J.A.C. 10:90-6.10. To qualify for an extension under HAP, a WFNJ/GA recipient must have a Med-1 form substantiating 12 months of disability and have applied for Supplemental Security Income ("SSI") or have appealed the denial of a SSI application. N.J.A.C. 10:90-6.10. However, an individual who has incurred a 6 month EA penalty within the 12 month period prior to applying for HAP due to non-compliance with EA shall be ineligible for HAP. N.J.A.C. 10:90-6.10(b)(2).

Here, the Petitioner has received 60 months of EA, thereby exhausting his 12 month lifetime EA limit and applicable extreme hardship extension. N.J.A.C. 10:90-6.4. In the absence of an available extreme hardship extension, the ALJ inappropriately granted EA under N.J.A.C. 10:90-6.4(b)(1) based upon Petitioner's pending application for SSI benefits and a current 12 month Med-1 form.

There is insufficient credible evidence to support the Agency's contention Petitioner was non-compliant with his service plan. Although Petitioner has received 60 months of EA, there is similarly insufficient evidence that he has exhausted potentially available EA under the HAP pilot. N.J.A.C. 10:90-6.10.

Regardless, the ALJ found that the Petitioner was disqualified for EA for a period of six months. The effective date of the disqualification was January 9, 2014. Because Petitioner has incurred a 6 month EA penalty within the 12 month period prior to applying for HAP, the Agency properly denied his request for an extension under HAP. Petitioner is advised that he is ineligible for EA under HAP until January 10, 2015, which is 12 months after he incurred the 6 month EA penalty. N.J.A.C. 10:90-6.10(a)(1)(i); -6.10(b)(2).

For the foregoing reasons, I REVERSE the Initial Decision and MODIFY the Agency determination.

OCT 23 2014

Signed Copy on File

at DFD, BARA

Jeanette Page-Hawkins
Director