

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 2080-15 A.M.

AGENCY DKT. NO. GA49186 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA and EA benefits because he had exhausted his cumulative lifetime limit of WFNJ/GA and EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On February 19, 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, Department of Human Services, I have reviewed the CALJ's Initial Decision and the record, and I ADOPT the CALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. N.J.A.C. 10:90-1.1(b).

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Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy"). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5 respectively. The goal of WFNJ is to help the recipient achieve self-sufficiency through obtaining employment and removal from the program. See N.J.S.A. 44:10-62(a).

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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). Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2.

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 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 the Housing Assistance Program ("HAP") pilot, 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 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).

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Here, the record indicates that Petitioner received 97 months of GA benefits and 65 months of EA benefits, which is much more than the cumulative maximum allowed for both programs. See Exhibit R-2 at 1. Additionally, the CALJ found, and I agree, that Petitioner had not provided any evidence indicating that he had met any of the criteria for an exemption to, or extension of, the lifetime limits for GA benefits, pursuant to N.J.A.C. 10:90-2.4 and -2.5 respectively. See id. at 3-4. Therefore, the Agency properly denied Petitioner GA benefits.

Further, the CALJ found, and I concur, that Petitioner's MED-1 form has internal conflicts in substantiating at least 12 months of disability for HAP eligibility purposes. See id. at 4. Therefore, the Agency properly denied Petitioner an extension of EA benefits under HAP, pursuant to N.J.A.C. 10:90-6.10(a)(1)(i).

Moreover, although HAP may be available to those individuals who can provide "recent documentation of long-term medical or psychological problems, which indicates that the recipient is unlikely to ever secure and/or maintain employment," Petitioner had not provided such documentation. See id. at 4. Therefore, I find that the Agency properly denied and extension of EA benefits under HAP, pursuant to N.J.A.C. 10:90-6.10(a)(1)(iii).

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

FEB 27 2015

Signed Copy on file at DFD, BARA

Natasha Johnson Deputy Director