



State of New Jersey

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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 11601-14 M.C.

AGENCY DKT. NO. GA27609 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. Respondent denied Petitioner EA benefits because Petitioner caused her own homelessness and had exceeded the lifetime limit for EA benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2014, the Honorable John Schuster III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 2, 2014, 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 ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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). However, if the individual abandoned her prior permanent affordable housing, then the individual is not eligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3)(vii).

For Work First New Jersey/General Assistance (“WFNJ/GA”) recipients such as the Petitioner, EA benefits are limited to twelve months and a single six month “extreme hardship” extension 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. Thus, the maximum amount of EA a WFNJ/GA recipient may receive is 18 months.

In the event a WFNJ/GA recipient does not qualify for an extreme hardship extension or has exhausted her extreme hardship extension, she 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, the 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 an SSI application. N.J.A.C. 10:90-6.10.

The record indicates that sometime in February of 2014 Petitioner voluntarily left her apartment to move in with her boyfriend. The record also shows that as of April 2014, Petitioner was no longer living with her boyfriend, but was indeed homeless. See Exhibit R-1 at 20. Clearly, Petitioner caused her own homelessness by abandoning her affordable housing to go live with a boyfriend, in an apartment where she was not on the lease. *Ibid.* Because Petitioner abandoned her prior permanent affordable housing, she is not eligible for EA benefits for six months, effective from July 8, 2014 through January 8, 2015. See N.J.A.C. 10:90-6.1(c)(3)(vii); see also R-1 at 27.

The record also shows that Petitioner has received at least twenty-five months of EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 1-3. The record includes a Med-1 form indicating that Petitioner is disabled from July 9, 2014 to July 9, 2015. See Exhibit P-1. This Med-1 form could support that Petitioner may be eligible for additional EA benefits if she meets the other criteria as outlined above. See N.J.A.C. 10:90-6.10. However, there is nothing in the record that indicates that she has applied for SSI or that has an SSI appeal pending. Therefore, I agree with the ALJ that Petitioner has not demonstrated any basis for continuing her EA benefits at the present time.

By way of comment, Petitioner may re-apply for EA benefits under HAP after her six-month penalty has expired (January 8, 2015) 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).

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

JAN 20 2015

Signed Copy on File
at DFD, BARA . . .

Jeanette Page-Hawkins
Director