



State of New Jersey

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Director

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 07978-18 A.W.

AGENCY DKT. NO. S516093012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency denied Petitioner an extension of EA benefits contending that she did not meet the PHASE eligibility criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 8, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 11, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has received 77 months of EA benefits, and as such that she has exhausted her 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions. See Initial Decision at 2; see also Exhibits R-6, R-7, and N.J.A.C. 10:90-6.4(a), (b), (c). Therefore, Petitioner applied for a further extension of EA benefits under the newly promulgated PHASE pilot. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-6.9. However, the ALJ found that Petitioner was ineligible for an extension of EA benefits pursuant to PHASE because she had incurred a six-month EA benefits ineligibility penalty, for failing to comply with the mandatory terms of her EA service plan ("SP"), within the 12-month period prior to applying for PHASE. See Initial Decision at 3-5; see also Exhibits P-1, R-8; and N.J.A.C. 10:90-6.9(c)(5). Although Petitioner claimed that an EA benefits ineligibility penalty had not been imposed upon her, the ALJ found that in a prior Initial Decision, which was adopted in a Final Agency Decision issued on May 17, 2018, it was determined that Petitioner had failed to comply with her SP which resulted in the imposition of a mandatory six-month EA ineligibility penalty upon Petitioner, effective October 1, 2017, in accordance with N.J.A.C. 10:90-6.6(a). Ibid. Further, the ALJ found that pursuant to PHASE, the fact that Petitioner had already served her EA six-month ineligibility penalty was of no consequence. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.9(c)(5). Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner pursuant to PHASE was proper and must stand. See Initial Decision at 4-5; see also Exhibits R-9, R-10. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.



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

Officially approved final version. JUN 18 2018

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Natasha Johnson  
Director

