



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
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 14718-18 C.B.

AGENCY DKT. NO. C139387007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of EA benefits, and failed to find affordable housing in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 12, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on October 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions, and was approved for an extension of EA benefits under PHASE. See Initial Decision at 2; see also "GAWeb Payment History" at 1-4, and N.J.A.C. 10:90-6.4(a), (b), (c). At the time Petitioner was approved for PHASE, she was living in, and continues to reside in, a shelter placement. See Initial Decision at 2. In order to continue to be eligible for EA benefits under PHASE, Petitioner was required to obtain affordable permanent housing within 60 days or her EA benefits would be terminated, as PHASE regulatory authority only allows the Agency to pay for hotel/motel/shelter housing for a period of 60 cumulative days during a recipient's lifetime on PHASE. See N.J.A.C. 10:90-6.9(a)(7), (b)(4). Based on the foregoing, the ALJ concluded that Petitioner has exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions, and that she has exhausted her 60-days of shelter placement authorized under PHASE. See Initial Decision at 3. Accordingly the ALJ affirmed the Agency's determination. *Ibid.*; see also "Notification Form," and N.J.A.C. 10:90-6.9(b)(4). I agree.

Exceptions to the Initial Decision were filed by Petitioner on October 16, 2018.

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.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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



Officially approved final version.

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Natasha Johnson

Director

OCT 22 2018

