



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 13759-18 E.H.

AGENCY DKT. NO. C139472003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits under the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency terminated Petitioner's EA benefits contending that he has exhausted his lifetime limit of EA benefits, and had caused his own homelessness by failing to secure permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2018, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 23, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, had exhausted his 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 Exhibit R-1 at 15-19, 30-32, 33-37, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.9. At the time Petitioner was approved for PHASE, he was living in a shelter placement. See Initial Decision at 3. In order to continue to be eligible for EA benefits under PHASE, Petitioner was required to obtain affordable permanent housing within 60 days or his 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). On June 28, 2018, Petitioner executed a PHASE Agreement ("Agreement") wherein he acknowledged, among other things, that he must find and secure permanent housing within 60-days from the date of the Agreement; however, he failed to do so. See Initial Decision at 3; see also Exhibit R-1 at 20.

The ALJ found that Petitioner had exhausted his lifetime limit of EA benefits; that he had failed to find and secure permanent housing as required under PHASE, without good cause given for such failure, in violation of the Agreement, as well as his EA service plan ("SP"); and therefore, that he is ineligible for continued EA benefits under PHASE. See Initial Decision at 4-6; see also N.J.A.C. 10:90-6.9(a)(7). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 11-14. While I concur with the ALJ's conclusion, I find that Petitioner's ineligibility for EA benefits is not based upon an EA SP violation, as no SP was provided in the record. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6. Rather, I find



that Petitioner is ineligible for EA benefits under PHASE in accordance with N.J.A.C. 10:90-6.9(a)(7), as he has received 60 days of EA benefit payments for his temporary shelter placement, and has not obtained affordable permanent housing. See Initial Decision at 6; see also Exhibit R-1 at 20, 33-37. The Initial Decision is modified to reflect this finding.

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

By way of further comment, the transmittal in this matter indicates an additional contested issue regarding a termination of WFNJ/GA benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/GA benefits, he may request another fair hearing on that issue alone.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

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Natasha Johnson

Director

