



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 06611-18 J.S.

AGENCY DKT. NO. S462749014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he had exhausted his lifetime limit of EA benefits, plus all applicable extensions, and does not qualify for an extension of EA benefits pursuant to 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. The matter was heard on May 31, 2018, by the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), at which time the hearing was adjourned to allow Petitioner the opportunity to attend an upcoming medical appointment that could add clarity to the case. The hearing reconvened on June 28, 2018, on which date the record closed. On July 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on July 30, 2018.

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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In relevant part, pursuant to N.J.A.C. 10:90-6.9, in order to be eligible for an extension of EA benefits in accordance with PHASE, the assistance unit ("AU") must be receiving Work First New Jersey ("WFNJ") cash benefits; the AU must contain at least one adult member who is permanently disabled, as evidenced by a 12-month MED-1; the permanently disabled adult(s) must have a Supplemental Security Income ("SSI") application or appeal pending; all adult members of the AU must be unemployable; the AU unit must have exhausted their 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions; the AU must be in imminent danger of homelessness; and the permanently disabled adult(s) must retain legal counsel to assist with the SSI application/appeal process within 60 days after being determined eligible for PHASE.



Here, the record reflects that Petitioner, a WFNJ/General Assistance benefits recipient, had received 27 months of EA benefits as of May 1, 2018, and as such, Petitioner has exhausted his lifetime limit of EA benefits, plus all applicable extensions. See Initial Decision at 2; see also Exhibit R-1 at 14-15, and N.J.A.C. 10:90-6.4(a), (b), (c). Also, the record reflects that Petitioner does not have a 12-month MED-1 form, nor does he have an SSI application or appeal pending, and as such, he does not qualify for an extension of EA benefits under PHASE. See Initial Decision at 2; see also Exhibit R-1 at 2, 12, and N.J.A.C. 10:90-6.9. Of note, Petitioner's SSI application was denied on October 25, 2017, and his SSI appeal was denied on May 12, 2018. See Exhibit R-1 at 2. Based on the facts presented, I find that there exists no regulatory authority by which the Agency may grant Petitioner additional EA benefits at this time. Therefore, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-1 at 4-9.

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, Petitioner is without prejudice to reapply for EA benefits pursuant to PHASE, should his circumstances change. See N.J.A.C. 10:90-6.9.

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

Officially approved final version.

SEP 07 2018

Natasha Johnson
Director

