



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 11800-18 K.K.

AGENCY DKT. NO. C145588015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency terminated Petitioner's EA benefits contending that she no longer met the PHASE criteria. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 15, 2018, but was adjourned because Petitioner had another court matter that day. The case was rescheduled for July 6, 2018, but was again adjourned to allow Petitioner the opportunity to provide additional documents. The matter was then rescheduled for July 24, 2018, but Petitioner failed to appear. Finally, on August 17, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 20, 2018, the ALJ issued an Initial Decision reversing 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 ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the record reflects that Petitioner had exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions, and that she had been receiving continued EA benefits under PHASE. See Initial Decision at 2. As a condition for continued receipt of EA benefits under PHASE, Petitioner is required to have a Supplemental Security Income ("SSI") claim or appeal pending, and to have legal counsel assisting her with her application process. *Ibid.*; see also N.J.A.C. 10:90-6.9(a)(1)(iv), (b)(1). However, while receiving EA benefits under PHASE, Petitioner's SSI appeal was denied, no further appeal was filed, and no new application was filed. See Initial Decision at 3; see also Exhibits R-8, R-15, and R-16. Therefore, by notice dated April 16, 2018, the Agency terminated Petitioner's EA benefits under PHASE. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.9(a)(1)(iv).



Thereafter, on May 31, 2018, Petitioner filed a new SSI application, detailing new medical information, and was represented by counsel. See Initial Decision at 3; see also Exhibits R-10, R-12, R-13, R-14, and N.J.A.C. 10:90-6.9(c)(2). However, that application was denied on July 31, 2018, and no appeal has yet been filed. See Initial Decision at 3; see also Exhibit R-17. The record reflects that Petitioner intends to appeal that SSI denial, and is awaiting a return call from her counsel to discuss such an appeal. See Initial Decision at 4; see also Exhibit R-15. Based on the foregoing, the ALJ concluded that Petitioner is eligible for continued EA benefits under PHASE, conditioned upon Petitioner's timely filing of an SSI appeal, and reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 5, 8; see also Exhibit R-1, and N.J.A.C. 120:90-6.9(a)(1)(iv). I agree with the ALJ's conclusion, however, I find that Petitioner's eligibility for EA benefits under PHASE is contingent upon her providing proof of her SSI appeal, as well as proof of legal counsel, to the Agency within 30 days from the date of the issuance of this Final Agency Decision. Petitioner is hereby put on notice that if such proof is not provided, EA benefits shall cease and the termination shall stand.

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, and the Agency's action is REVERSED.

Officially approved final version.

AUG 27 2018

Natasha Johnson
Director

