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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

REMAND DECISION

OAL DKT. NO. HPW 14814-17 M.C.

AGENCY DKT. NO. C095290015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's benefits contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions, and that she did not have a valid 12-month MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2017, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 22, 2017, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency to reevaluate Petitioner for EA benefits eligibility under the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program.

Here, the record reflects that Petitioner had received 73 months of EA benefits from December 2011 through December 2017. See Initial Decision at 3; see also Exhibits R-2 and R-3. Petitioner has a MED-1 form indicating a 12-month disability effective August 18, 2017, through August 17, 2018, and a MED-1 form indicating a 12-month disability effective September 28, 2017, through September 28, 2018, both of which indicate that she is unable to participate in gainful employment and/or occupational training for 12 months. See Initial Decision at 3; see also Exhibits R-6 and R-8. The record also reflects that at the time the Agency terminated Petitioner's EA benefits, she had a Supplemental Security Income ("SSI") appeal pending. See Initial Decision at 3-4; see also Exhibit R-5. Nevertheless, the Agency terminated Petitioner's EA benefits, contending that the MED-1 forms that she had provided were invalid, and that she was, therefore, ineligible for an extension of EA benefits. See Initial Decision at 2-3; see also Exhibit R-1. However, the ALJ found that there was no evidence in the record to substantiate the Agency's contention that Petitioner's MED-1 forms are invalid. See Initial Decision at 6; see also Exhibits R-6, R-8. Moreover, the ALJ found that the Agency is not qualified to dispute the findings of a medical professional. Ibid. Based on the foregoing, the ALJ concluded that Petitioner is eligible for an extension of EA benefits, and reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 6; see also Exhibit R-1.

While I find that Petitioner was eligible for an extension of EA benefits at the time the Agency terminated her EA benefits, on October 1, 2017, the record reflects that since that time, Petitioner's SSI appeal has been denied, and there is no documentation indicating that she has appealed that SSI denial further, or that she has filed a new SSI claim. See



Exhibits R-1, R-5. Therefore, I find Petitioner eligible for EA benefits contingent upon Petitioner providing the Agency with documentation of a current SSI application, and upon being found otherwise eligible for an extension of EA benefits in accordance with the PHASE Pilot Program. See N.J.A.C. 10:90-6.9.

By way of comment, Petitioner is advised that she must provide the Agency with proof of a current SSI claim within 15 days from the date of the issuance of this Final Agency Decision ("FAD"). Failure to do so may result in the termination of EA benefits.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and termination of EA benefits because Petitioner was no longer a WFNJ benefits recipient. However, the ALJ noted in the Initial Decision that prior to the hearing, the Agency had rescinded its sanctioning of Petitioner's WFNJ/TANF benefits and resultant termination of EA benefits due to loss of WFNJ eligibility. See Initial Decision at 2. Therefore, I find that those issues are now moot, and as such, are not addressed in this Final Decision.

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

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Natasha Johnson  
Director

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