



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 05554-18 M.H.

AGENCY DKT. NO. C085442003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"), benefits. The Agency denied Petitioner EA benefits contending that that she was not a resident of Burlington County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 20, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Under the Work First New Jersey ("WFNJ") regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/Temporary Assistance for Needy Families ("TANF") recipient may qualify for up to two six-month extensions of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). Thus, the maximum amount of EA benefits that a WFNJ/TANF benefits recipient may receive is 24 months.

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 the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, the assistance unit ("AU") must be receiving 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's AU consists of herself, her husband, and three children. See Initial Decision at 2. Petitioner is an SSI recipient, her husband is unemployed and claims that he has an SSI application pending, although no substantiating documentation was provided, and the AU has an application for WFNJ/TANF benefits pending. *Id.* at 3. On April 4, 2018, Petitioner applied for an extension of EA benefits, but the Agency determined that Petitioner was ineligible for an extension of EA benefits because she was not a resident of Burlington County. *Ibid.*; see also Exhibits R-1, R-2, R-3. However, the ALJ found that Petitioner has been residing in Burlington County since March 14, 2018, and to date, continues to reside in a motel in Burlington county. See Initial Decision at 2-3; see also Exhibit R-4. Moreover, the ALJ found that Petitioner's approval for receipt of Supplemental Nutrition Assistance Program ("SNAP") benefits in this county on April 4, 2018, is proof of Petitioner's residency. See Initial Decision at 5; see also Exhibit R-5 at 9. Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's April 12, 2018, application for an extension of EA benefits, on the sole basis that Petitioner was not a resident of Burlington County, was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-3, and N.J.A.C. 10:90-6.8(3), (4). I agree.

By way of comment, based on an independent review of the record, I find that Petitioner has received 23 months of EA benefits. See Exhibit R-5 at 1-6. As such, Petitioner may be eligible for one month of EA benefits pursuant N.J.A.C. 10:90-6.4(b). Also, it appears from the record presented, that Petitioner is not currently eligible for an extension of EA benefits in accordance with PHASE, as the record is inconclusive as to whether Petitioner's husband has an SSI application pending, nor does he have a 12-month MED-1 form, and the AU is not yet receiving WFNJ cash benefits. See Initial Decision at 3; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.9.

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

Officially approved final version.

APR 25 2018

Natasha Johnson
Director

