



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 11065-18 M.N.

AGENCY DKT. NO. C245024009 (HUDSON COUNTY DEPT OF FAM 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 August 22, 2018, but was adjourned to allow Petitioner to provide documentation. The case was rescheduled for September 25, 2018, but was again adjourned to allow Petitioner the opportunity to provide documentation. On October 9, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 10, 2018, the ALJ issued an Initial Decision, affirming 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; see also Exhibit R-1 at 8-15, and N.J.A.C. 10:90-6.4(a), (b), (d). As a condition for continued receipt of EA benefits under PHASE, Petitioner was required to have a Supplemental Security Income ("SSI") claim or appeal pending; a valid 12-month MED-1 form indicating that she was disabled and unable to engage in gainful employment; or a valid MED-5 form indicating that she was the caregiver for a disabled child. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9(a)(1)(i), (iv). The ALJ found that Petitioner has exhausted her lifetime limit of EA benefits, plus two extreme hardship extensions; that she does not have a valid MED-1 or MED-5 form, but rather, is currently employed; and that she does not have an SSI application pending approval or appeal. See Initial Decision at 2, 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits under PHASE was proper and must stand. *Id.* at 4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.4 (a), (b), (d), -6.9(a)(1)(i), (iv). I agree.

No Exceptions to the Initial Decision were received.



As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

NOV 01 2018

Natasha Johnson

Director

