



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT  
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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 11989-18 R.G.

AGENCY DKT. NO. C070026003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of EA benefits, and had failed to find affordable housing in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, and in violation of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 3, 2018, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 11, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has exhausted her lifetime limit of EA benefits, and was approved for an extension of EA benefits under PHASE. See Initial Decision at 2-3; see also Exhibit R-1 at 30, 38-62, and N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. At the time Petitioner was approved for PHASE, she was living in, and continues to reside in, motel and shelter placements. See Initial Decision at 2-3. Petitioner executed an SP wherein she agreed to locate permanent affordable housing within 60 days from the date of the SP. See Initial Decision at 3; see also Exhibit R-1 at 30, 33, and N.J.A.C. 10:90-6.6(a). However, Petitioner failed to do so. See Initial Decision at 3. PHASE regulatory authority only allows the Agency to pay for hotel/motel/shelter housing for a period of 60 cumulative days during a recipient's lifetime on PHASE. See Initial Decision at 5; see also N.J.A.C. 10:90-6.9(a)(7). The ALJ found that Petitioner had exhausted her lifetime limit of EA benefits; that she had failed to locate permanent affordable housing in violation of her SP, without good cause given for such failure; and therefore, that she is ineligible for EA benefits under PHASE. See Initial Decision at 5-7; see also Exhibit R-1 at 2-10. Moreover, the ALJ found that Petitioner had not contacted the Agency with any barriers she was experiencing in obtaining housing within the 60-day period. See Initial Decision at 7. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Ibid.*; see also Exhibit R-1 at 2-10, and N.J.A.C. 10:90-6.6(a), -6.9(a)(7). 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.

Additionally, because I concur with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 7; see also N.J.A.C. 10:90-6.6(a). Further,



because Petitioner has been receiving continued assistance pending the outcome of this hearing, the EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision

By way of comment, I note that Petitioner had previously incurred a six-month EA ineligibility penalty within the 12-month period prior to applying for PHASE on May 18, 2018, which would also render her ineligible for PHASE. See OAL Docket No. HPW 8235-17 (Final Agency Decision issued August 25, 2017); see also N.J.A.C. 10:90-6.6(a), -6.9(c)(5).

By way of further 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 02 2018*

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Natasha Johnson  
Director

