



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 02881-18 R.M.

AGENCY DKT. NO. C125232007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she has exhausted her lifetime limit of EA benefits, and is not eligible for any further extension of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for February 28, 2018, but the matter was adjourned for a day to allow the Agency the opportunity to conduct some additional research into any benefits potentially available to Petitioner. On March 1, 2018, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination, and directing the Agency to refer Petitioner to the Intensive Case Management ("ICM") program.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here the record reflects that Petitioner is a Supplemental Security Income recipient who had received 29 months of EA benefits as of December 19, 2016, the date of her last EA benefit payment. See Initial Decision at 2; see also Exhibit R-1 at 6-13. Based on the foregoing, the ALJ concluded that Petitioner has exhausted her lifetime limit of EA benefits, that she did not qualify for an extension of EA benefits under the Provisional Housing - Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, and that the Agency's denial of EA benefits to Petitioner was, therefore, proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.9.

Nevertheless, the ALJ concluded that the Petitioner should be referred to ICM in accordance with DFD Instruction ("DFDI") 17-01-01, and directed the Agency to refer Petitioner to ICM. See Initial Decision at 3-4. While recognizing the Agency's contention that ICM is available only to current EA benefits recipients, the ALJ found that the DFDI, wherein ICM is found, states that ICM is intended to help people, such as Petitioner, who have exhausted all EA benefits and have "no foreseeable options for affordable housing." Ibid.; see also DFDI 17-01-01 at 2.

However, I take official notice of the fact that in a prior Final Agency Decision ("FAD"), OAL Docket Number HPW 96-17, issued March 28, 2017, Petitioner was found to have exhausted her lifetime limit of EA benefits, and the Agency was instructed to refer her to ICM. It is unclear from the record whether Petitioner was, in fact, referred to ICM, or whether she refused to participate in ICM. If Petitioner was indeed referred to ICM, she would have been eligible for up to six months of additional housing assistance benefits, and at the expiration of that period she would be ineligible for participation in



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ICM at any time in the future. See DFDI 17-01-01 at 2. Additionally, if Petitioner had refused to participate in ICM at that time, she would be ineligible to participate in ICM now. Further, I also take official notice of another prior FAD, OAL Docket Number HPW 10739-17, issued on October 2, 2017, wherein Petitioner was again found to have exhausted her lifetime limit of EA benefits, and she was not referred to ICM at that time.

Therefore, in accordance with DFDI 17-01-01, I find that the Agency should refer Petitioner to ICM if, and only if, she had not previously participated in ICM, and had not previously refused to participate in ICM. Petitioner is advised that should she be considered for a referral to ICM that she must formally consent, in writing, to accept ICM services, including the transfer of her personal information to the ICM vendor, before a referral can be made. Petitioner is also advised that failure to accept ICM services will make her ineligible for ICM services at any future date. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

MAR 13 2018

Natasha Johnson

Director

