



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 14004-18 S.M.

AGENCY DKT. NO. C673890007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he has exhausted his lifetime limit of EA benefits, plus all applicable extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 16, 2018, the Honorable Barry E. Moscovitz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 16, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions, and that he does not qualify for continued EA benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 3, 5; see also "Check History," and N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. As a condition for receipt of EA benefits under PHASE, applicants/recipients are required, among other things, to have a Supplemental Security Income ("SSI") claim, or appeal, pending and a valid 12-month MED-1 form indicating that the applicant/recipient is disabled and unable to engage in gainful employment. See N.J.A.C. 10:90-6.9(a)(1)(i), (iv). The record reflects that Petitioner is employed, and that he is not disabled. See Initial Decision at 5. The ALJ found that Petitioner has exhausted his lifetime limit of EA benefits, plus two extreme hardship extensions, and that he does not qualify for an extension of EA benefits under PHASE. See Initial Decision at 5; see also "Check History," and N.J.A.C. 10:90-6.4 (a), (b), (d), -6.9(a)(1)(i), (iv), (c)(4). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 5-6; see also "Notification Form." 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 his 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.

Natasha Johnson
Director

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