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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 05212-18 T.C.

AGENCY DKT. NO. S790275009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA"), benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 13, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had taken reasonable steps to comply with his SP, but that his mental health issues created obstacles, and prevented him from complying with his SP. See Initial Decision at 2-4; see also Exhibit P-1. Moreover, it appears from the record that the Agency failed to take into consideration Petitioner's mental health issues in his SP, as well as prior to its termination of his EA benefits. See Initial Decision at 3-4; see also Exhibit R-1 at 12-15, and N.J.A.C. 10:90-6.3(g), -6.6(a). Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with his SP, and as such, the Agency's termination of Petitioner's EA benefits on the basis of SP noncompliance, and its imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1 at 7-11, and N.J.A.C. 10:90-6.6(a). I agree.

The ALJ also found that Petitioner has exhausted his 12-month lifetime limit of EA benefits, plus a six-month extreme hardship extension of those benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (c). However, the ALJ found Petitioner eligible for continued EA benefits in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 5; see also N.J.A.C. 10:90-6.9. I also 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, as the record reflects that Petitioner is facing imminent eviction, the Agency is directed to provide Petitioner with EA benefits on an expedited basis. See Initial Decision at 3; see also Exhibit P-2.



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

Officially approved final version.

APR 19 2018

Natasha Johnson
Director

