



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 14690-18 Z.S.

AGENCY DKT. NO. C091088011 (MERCER COUNTY BOARD 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 he has exhausted his lifetime limit of EA benefits, plus all applicable extensions, and does not qualify for an extension of EA benefits pursuant to the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, has received a total of 24 months of EA benefits, thus exhausting his 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions. See Initial Decision at 2; see also Exhibit R-8. On March 22, 2018, Petitioner applied for an extension of EA benefits under PHASE. Ibid.; see also Exhibit R-1. On a preliminary review, the Agency deemed Petitioner eligible for PHASE, and Petitioner signed an EA Service Plan ("SP"), which required him to provide proof of legal representation for his Supplemental Security Income ("SSI") claim or appeal. See Initial Decision at 3; see also Exhibits R-1, R-2. Petitioner made an appointment with the Social Security Administration to pursue SSI benefits; however, he did not provide proof that he attended the appointment. See Initial Decision at 3; see also Exhibit R-7. Moreover, the record further reflects that Petitioner had previously applied for SSI benefits, that claim was denied in October of 2017, and Petitioner took no further action or appeal on the denial. See Initial Decision at 4; see also Exhibit R-5. On August 13, 2018, the Agency terminated EA benefits, finding that Petitioner violated his SP and was not eligible for PHASE as he did not provide proof of legal representation for an SSI benefits claim or appeal. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.6(a), -6.9. The ALJ agreed, finding that while Petitioner had represented to the Agency that he had an SSI benefits application or appeal pending, Petitioner provided no proof of either a pending SSI benefits case, or legal representation, and admitted that he had not followed through with an appeal on the prior denial, or refiling for SSI benefits. See Initial Decision at 5, 6. Accordingly, the ALJ concluded that Petitioner did not meet the eligibility criteria for an extension of EA benefits under PHASE, had violated his SP, and therefore, the Agency's termination of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-8; see also Exhibit R-3, and N.J.A.C. 10:90-6.6, -6.9. I agree.

No Exceptions to the Initial Decision were filed.



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, because I agree with the ALJ's conclusion that Petitioner failed to comply with his SP, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 8; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall run from August 31, 2018, the effective date of the Agency's termination of EA benefits, to March 1, 2019. See Exhibit R-3.

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

Officially approved final version.

OCT 17 2018

Natasha Johnson
Director

