



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

REMAND DECISION

OAL DKT. NO. HPW 14624-18 A.C.

AGENCY DKT. NO. C426962004 (CAMDEN 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 had exhausted his lifetime limit of EA benefits, and had failed to secure permanent housing in accordance with 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 November 26, 2018, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 13, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record indicates that Petitioner has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions, and was approved for an extension of EA benefits under PHASE. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(a), (b), (c). At the time Petitioner was approved for PHASE, he was living in, and continues to reside in, a shelter placement. See Initial Decision at 2. In order to continue to be eligible for EA benefits under PHASE, Petitioner was required to obtain affordable permanent housing within 60 days or his EA benefits would be terminated, as 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. *Ibid.*; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.9(a)(7), (b)(4). Petitioner has been unable to find permanent housing. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that Petitioner has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions, and that he has exhausted his 60-days of shelter placement authorized under PHASE. See Initial Decision at 4-5. Therefore, the ALJ affirmed the Agency's determination. *Id.* at 5; see also Exhibit R-1 at 18-21, and N.J.A.C. 10:90-6.9(b)(4). 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.

Further, in light of the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018, which extends EA benefits eligibility for certain categories of individuals, I am remanding this matter to the Agency, and directing that the Agency reevaluate Petitioner's eligibility for continued EA benefits in accordance with the new law.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is AFFIRMED, and the matter is REMANDED to the Agency, in accordance with the instruction above.



Officially approved final version.

JAN 30 2019

Natasha Johnson
Director

