



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03765-18 K.B.

AGENCY DKT. NO. C660960007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits, which resulted in the termination of Petitioner's EA benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 7, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 Initial Decision and AFFIRM the Agency's determination.

In relevant part, pursuant to N.J.A.C. 10:90-6.9, in order to be eligible for an extension of EA benefits in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, the assistance unit ("AU") must be receiving WFNJ cash benefits; the AU must contain at least one adult member who is permanently disabled, as evidenced by a 12-month MED-1; the permanently disabled adult(s) must have a Supplemental Security Income ("SSI") application or appeal pending; all adult members of the AU must be unemployable; the AU unit must have exhausted their 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions; the AU must be in imminent danger of homelessness; and the permanently disabled adult(s) must retain legal counsel to assist with the SSI application/appeal process within 60 days after being determined eligible for PHASE.

Here, the record reflects that Petitioner has received 24 months of EA benefits, and as such, she has exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions of those benefits. See Initial Decision at 2, 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(a), (b), (d). The Agency denied Petitioner an extension of EA benefits because she did not meet the criteria for continued EA benefits under PHASE, and consequently terminated her EA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.9. The ALJ found that Petitioner does not have a 12-month MED-1 form on file, and that she does not have an SSI application or appeal pending, both of which are a requirement for PHASE eligibility. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-6.9(a). Further, the record does not indicate that Petitioner is the sole caretaker of a severely disabled or seriously ill dependent child. See N.J.A.C. 10:90-6.9(a)(1)(i). 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 3; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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.

MAY 30 2018

Natasha Johnson

Director

