



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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TRENTON, NJ 08625-0716

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 06112-18 M.L.

AGENCY DKT. NO. S471975014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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 does not qualify for an extension of those benefits under 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. A hearing was initially scheduled for May 22, 2018, but was adjourned to allow Petitioner the opportunity to obtain assistance. On June 28, 2018, and then continued on July 26, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner is a Supplemental Security Income ("SSI") benefits recipient who has received 16 months of EA benefits, and has been receiving continued EA benefits pending the outcome of this hearing, and as such, he has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (c). The ALJ found that, because Petitioner is an SSI benefits recipient, he is ineligible for an extension of EA benefits under PHASE. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.9(a)(1)(iv). Further, the ALJ found that the Agency's termination of Petitioner's EA benefits does not violate the Americans with Disabilities Act ("ADA") as alleged by Petitioner. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 4-5. 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. Additionally, the Agency shall refer Petitioner to those services and agencies needed to address any disabilities he may have.

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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