



State of New Jersey

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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 08222-18 N.S.

AGENCY DKT. NO. C089553003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 19, 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

Here, Petitioner was granted an extension of EA benefits pursuant to PHASE, and executed an SP wherein she agreed, among other things, to secure permanent housing within 60 days. See Initial Decision at 2-3; see also Exhibit R-18-19, R-21. Petitioner was residing in temporary housing when she was approved for PHASE, and in accordance with regulatory authority, EA benefits for payment of temporary housing under PHASE is limited to 60 days. See Initial Decision at 3; see also N.J.A.C. 10:90-6.9(a)(7). Despite numerous notices from the Agency, reminding Petitioner that she must secure permanent housing, Petitioner failed to do so. See Initial Decision at 3-5; see also Exhibits R-1-2, R-21, R-23. Petitioner claimed that she was unable to secure permanent housing due to her work schedule; and stated that although she signed the SP, she was unaware that she had to find affordable housing within 60 days, and that if she had known of that obligation, she would never have signed the SP. See Initial Decision at 5-6. The ALJ found that Petitioner was on notice of her obligation to secure housing within 60 days, and that she failed to offer evidence of good cause for her failure to do so. See Initial Decision at 7. Therefore, the ALJ concluded that the Agency's termination of Petitioner's EA benefits



under PHASE was proper and must stand. See Initial Decision at 9; see also Exhibit R-26-28, and N.J.A.C. 10:90-6.9(a)(7). I agree.

Moreover, the record indicates that Petitioner is currently employed. See Initial Decision at 5-6; see also Exhibit P-2. It is important to highlight that PHASE is intended to assist those who are permanently disabled, and are awaiting approval for receipt of Supplemental Security Income benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.9(a)(1)(i)(v). On the basis that Petitioner is employed and thus not permanently disabled, I further find that she is ineligible for EA benefits under PHASE. The Initial Decision is modified to reflect this finding. Ibid.

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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

AUG 31 2010

Natasha Johnson

Director

