



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05854-18 R.H.

AGENCY DKT. NO. C217623009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she had exhausted her lifetime limit of EA benefits, plus all available extreme hardship extensions, and did 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 June 5, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony. No documents were admitted into evidence. On June 7, 2018, the ALJ issued an Initial Decision, concluding that Petitioner is eligible for an extension of EA benefits pursuant to PHASE, contingent upon her providing the Agency with a 12-month MED-1 form.

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 ADOPT the ALJ's Initial Decision.

In relevant part, pursuant to N.J.A.C. 10:90-6.9, in order to be eligible for an extension of EA benefits pursuant to PHASE, 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 Agency found Petitioner ineligible for an extension of EA benefits pursuant to PHASE because the MED-1 form that she had provided to the Agency only indicated a six-month disability. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9(a)(1)(i). However, at the hearing, the Agency testified that if Petitioner provides the Agency with a 12-month MED-1 form prior to June 30, 2018, that she would be



found eligible for PHASE. Ibid. Based on the foregoing, the ALJ concluded that Petitioner is eligible for PHASE, contingent upon her providing the requisite 12-month MED-1 form to the Agency. See Initial Decision at 3. I agree.

By way of comment, Petitioner is advised that she must provide the required 12-month MED-1 form to the Agency by June 30, 2018, in order to receive continued EA benefits pursuant to PHASE. Id. at 2. Petitioner is further advised, in accordance with the ALJ's conclusion, that if she fails to provide said MED-1 form to the Agency, that the Agency's termination of her EA benefits must stand.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is REVERSED contingent upon Petitioner's submission of the requisite MED-1 form.

Officially approved final version.

JUN 20 2018

Natasha Johnson

Director

