



State of New Jersey

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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 02242-18 T.L.

AGENCY DKT. NO. C483223007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied the extension contending that Petitioner had exhausted her lifetime limit of EA benefits, and had not taken steps to resolve her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner has received 44 months of EA benefits. See Initial Decision at 3; see also Exhibit R-2. As such, Petitioner has exhausted her lifetime limit of EA benefits, plus the two available extreme hardship extensions of those benefits. See N.J.A.C. 10:90-6.4(a), (b), (d). However, based on Petitioner's submission of two 12-month MED-1 forms to the Agency, her pending Supplemental Security Income ("SSI") claim, and the fact that Petitioner had the assistance of Legal Services in filing her SSI claim, the ALJ concluded that Petitioner is eligible for an extension of EA benefits pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.9, and DFD Instruction 18-02-02.

I agree with the ALJ's finding that Petitioner has a 12-month MED-1 form and that she has a pending SSI claim. See Initial Decision at 3. However, it is unclear from the record if Petitioner currently has legal representation in her SSI claim, or if she meets the other eligibility requirements set forth in PHASE. Ibid. Therefore, I am remanding the matter to the Agency to consider Petitioner's eligibility for a continuation of EA benefits under PHASE. See N.J.A.C. 10:90-6.9. The Initial Decision is modified to reflect this finding.

By way of comment, because Petitioner is facing eviction, the Agency is directed to evaluate Petitioner for EA benefits pursuant to PHASE on an expedited basis. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9. Petitioner is advised that she must provide the Agency with proof of legal representation in her SSI claim before the Agency can evaluate her for EA benefits pursuant to PHASE. See N.J.A.C. 10:90-6.9(b)(1).



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Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, and the matter is REMANDED to the Agency, based on the discussion above.

Officially approved final version.

APR 04 2018

Natasha Johnson

Director

