



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 16923-18 A.D.

AGENCY DKT. NO. C071170008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she no longer met the criteria 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 January 4, 2019, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 18, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had exhausted her lifetime limit of EA benefits, and was receiving continued EA benefits pursuant to PHASE. See Initial Decision 2; see also Exhibit R-1 at 13-14, 18-19, and N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. In order to be eligible for EA benefits under PHASE, Petitioner was advised that both she, and the other adult member of her household, must submit updated MED-1 forms by November 14, 2018. See Initial Decision 2-3; see also N.J.A.C. 10:90-6.9(a)(1)(i). Petitioner executed EA service plans on July 12, 2018, and October 22, 2018, wherein she acknowledged that she was to provide the Agency with an updated MED-1 form by November 14, 2018. See Initial Decision at 3-4; see also Exhibit R-1 at 16, 21. The record also reflects that the Agency reminded Petitioner of the need for an updated MED-1 form by that date, at the time of her monthly meetings with the Agency, in a notice sent to Petitioner on October 22, 2018, and in a phone call from the Agency on November 14, 2018. See Initial Decision at 3-4; see also Exhibit R-1 at 1, 2. However, although the other adult member of the household submitted his MED-1 form to the Agency by the required date, Petitioner failed to do so, and the Agency terminated Petitioner's EA benefits under PHASE, as she was now considered an employable adult in the household, and as such, no longer met the criteria for PHASE eligibility. See Initial Decision at 4; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-6.9(c)(4).

Petitioner testified that neither her primary physician, nor her medical specialist, would provide her with a MED-1 form, and claimed that although she was unable to provide the Agency with a MED-1 form, that she had provided the Agency with a WFNJ 5S-DEP ("MED-5") form indicating that she was the sole caregiver for the adult male in the household, and as such, that she is eligible for EA benefits pursuant to PHASE. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.9(a)(1)(i). The ALJ found that Petitioner had not pursued the completion of a MED-1 form by her primary physician, without good cause, and instead sought to qualify for PHASE as the caregiver of the other adult member of her household. *Id.* at 9. Further, the ALJ found that Petitioner failed to submit any documentation to support her claim that she had provided the Agency with a MED-5 form indicating her caregiver status. *Id.* at 6, 9-10. Of note, even though Petitioner claimed that she did not have sufficient time to acquire an updated MED-1 form, as of the date of the hearing, Petitioner still had not acquired said form from her physician. *Id.* at 9.



Based on the testimony and evidence presented, the ALJ concluded that Petitioner is employable, that she did not demonstrate that she is the caregiver for a disabled household member, and therefore, does not meet the criteria for any further extension of EA benefits under PHASE. Id. at 9-10; see also N.J.A.C. 10:90-6.9. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 10; see also Exhibit R-1 at 2. 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 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.

JAN 24 2019

Natasha Johnson
Director

