



State of New Jersey

PHILIP D. MURPHY
Governor

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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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 14441-18 D.P.

AGENCY DKT. NO. S469612014 (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, 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. The matter was heard on October 18, 2018, and adjourned for possible settlement. On November 1, and continuing on November 27, and December 20, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony. On January 2, 2019, the ALJ issued an Initial Decision, concluding that Petitioner is eligible for an extension of EA benefits pursuant to PHASE, contingent upon him accepting permanent housing and filing a Supplemental Security Income ("SSI") application or appeal.

On January 15, 2019, the Agency filed Exceptions to the Initial Decision.

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 and REVERSE the Agency's determination.

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 an 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 his SSI application had been denied, and he had not provided proof of an appeal. See Initial Decision at 2; see also Exhibit R-1 at 3-4, and N.J.A.C. 10:90-6.9(a)(1). However, at the hearing, the ALJ found that Petitioner has a serious medical condition, as substantiated by a MED-1 form; that he has obtained legal counsel to assist with his SSI appeal or to refile a new SSI application; and that he is in compliance with all other requirements for EA benefits, so long as counsel perfects his SSI benefits appeal or new SSI application prior to January 10, 2019. See Initial Decision at 3; see also Exhibits P-1, R-1 at 13. The ALJ also found that Petitioner's hotel placement is not a genuine housing solution, and that he must accept appropriate permanent housing when offered by the Agency. See Initial Decision at 3, 5. Based on the foregoing, the ALJ deemed Petitioner eligible for PHASE, contingent upon him securing appropriate first floor permanent housing, or accepting same if offered by the Agency, and contingent upon him providing proof that an SSI appeal or new SSI application has been filed by the January 10, 2019, deadline. Id. at 5. I agree.

By way of comment, Petitioner is advised that he must provide proof to the Agency, upon receipt of this Final Agency Decision, that he timely applied for, or appealed, his denial of SSI benefits, by January 10, 2019, in order to receive continued EA benefits pursuant to PHASE. Ibid. Petitioner is further advised, in accordance with the ALJ's conclusion, that if he fails to accept appropriate housing, the Agency's termination of his EA benefits must stand.

By way of further comment, I have reviewed the Agency's Exceptions, and find that they do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency determination is REVERSED, contingent upon Petitioner's satisfying the requirements as set forth in this Final Agency Decision.

Officially approved final version.

FEB 14 2019

Natasha Johnson
Director

