



## 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

FINAL DECISION

OAL DKT. NO. HPW 01887-18 J.G.

AGENCY DKT. NO. C148551009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, 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 March 1, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 5, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 24 months of EA benefits, and has received continued assistance pending the outcome of this fair hearing. See Initial Decision at 3. In addition, Petitioner testified that she and her spouse have applied for Supplemental Security Income/Retirement, Survivors and Disability Insurance ("SSI/RSDI") benefits. *Ibid.* On October 23, 2017, Petitioner executed an SP wherein she agreed, among other things, to provide all documents listed on the EA 30-day notices. See Initial Decision at 3; see also Exhibit R-1 at 7. On November 28, 2017, Petitioner received a 30-day notice from the Agency requiring her to provide updated MED-1 forms for her and her spouse. See Exhibit R-1 at 5. The updated MED-1 forms were originally due on or by December 15, 2017; however, an extension had been granted and the forms were not due until December 22, 2017. See Exhibit R-1 at 17. On January 10, 2018, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, for failing to comply with her SP, specifically, for not providing updated MED-1 forms and SSI/RSDI status updates. See Initial Decision at 2, 4; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.6(a). However, Petitioner's file showed that on January 19, 2018, the Agency approved Petitioner and her spouse's updated and completed MED-1 forms. See Initial Decision at 2; see also Exhibits J-1, J-2. Moreover, the record reflects that as of December 27, 2017, Petitioner had provided the Agency with the required SSI/RSDI documentation, as required by her SP. See Exhibit R-1 at 5. Nevertheless, the Agency terminated Petitioner's EA benefits on the basis that she failed to comply with her SP. See Exhibit R-1 at 1-3. Based on the foregoing, I concur with the ALJ's conclusion that Petitioner complied with her SP, and that the Agency's termination of Petitioner's EA benefits, on that basis, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-1 at 1-3, and N.J.A.C. 10:90-6.6(a).

The record also indicates that Petitioner has received 24 months of EA benefits, and as such, has exhausted her lifetime limit of EA benefits, plus two six-month extreme hardship extensions of EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(a), (b), (d). However, because Petitioner and her husband both have 12-month MED-1 forms, and SSI/RSDI applications pending appeal, the ALJ found Petitioner eligible 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, contingent upon Petitioner providing the Agency with updated SSI/RSDI status documentation, and proof of utility payments, as required by their SP. See Initial Decision at 4-5; see also Exhibit R-1 at 7, and N.J.A.C. 10:90-6.9. 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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

**MAY 07 2018**

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Natasha Johnson

Director

