



State of New Jersey

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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 08139-18 S.B.

AGENCY DKT. NO. C156635007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he has exhausted his 12-month lifetime limit of EA benefits, plus all available extensions, and that he failed to provide proof of an emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on June 11, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

In relevant part, pursuant to N.J.A.C. 10:90-6.9, in order to be eligible for an extension of EA benefits in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, 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 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 record reflects that Petitioner is not a WFNJ or SSI benefits recipient, and that he has an application for WFNJ/General Assistance ("GA") benefits pending. Accordingly, the ALJ concluded that Petitioner is ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). I agree.

The record also reflects that Petitioner has received 64 months of EA benefits, and as such, the ALJ concluded that Petitioner is ineligible for EA benefits because he has exhausted his lifetime limit of EA benefits, plus all available EA extensions. See Initial Decision at 2-3; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.4(a), (b), (c). While I agree with the ALJ that Petitioner has exhausted his lifetime limit of EA benefits, and available extreme hardship extension, I find that because the record indicates that Petitioner has a MED-1 form, an SSI benefits application pending, and counsel representing him in his SSI claim, that he may be eligible for an extension of EA benefits pursuant to PHASE, provided that he is first granted WFNJ/GA benefits. See Initial Decision 2-3; see also Exhibits P-2, P-3, and N.J.A.C. 10:90-6.9. The ALJ also found, and the record substantiates, that Petitioner has provided proof of homelessness. See Initial Decision at 3; see also Exhibit P-1, and N.J.A.C. 10:90-6.9(a)(1) (iii). Therefore, Petitioner may reapply for EA benefits pursuant to PHASE contingent upon him first being approved by the Agency for receipt of WFNJ/GA benefits. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

JUN 20 2018

Natasha Johnson

Director

