



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 15802-18 G.R.

AGENCY DKT. NO. C076406003 (BURLINGTON COUNTY BD. 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 had exhausted her lifetime limit of EA benefits, she did not have a 12-month MED-1 form, and that she had failed to secure permanent housing in accordance with 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 December 3, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 21, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND to the Agency in accordance with the discussion below.

Here, the record reflects that Petitioner had exhausted her lifetime limit of EA benefits, and was approved for an extension of EA benefits under PHASE. See Initial Decision at 2; see also Exhibit R-7, and N.J.A.C. 10:90-6.4(a), (b), (c). At the time Petitioner was approved for PHASE, she was living in, and continues to reside in, a transitional housing facility. See Initial Decision at 2. On June 19, 2018, Petitioner executed a PHASE agreement, wherein she was advised that she was required to secure permanent housing within 60 days of entering into that agreement, and that she was to have a valid 12-month MED-1 form. *Ibid.*; see also Exhibit R-4, and N.J.A.C. 10:90-6.9. On August 16, 2018, Petitioner also executed an EA service plan ("SP") wherein she agreed to find permanent housing within 60 days. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-6.6(a). Although Petitioner was provided with 120 days of EA benefits under PHASE, due to administrative error, she failed to secure permanent housing within that time frame. See Initial Decision at 4-6; see also Exhibit R-7. PHASE regulatory authority only allows the Agency to pay for hotel/motel/shelter housing for a period of 60 cumulative days during a recipient's lifetime on PHASE. See Initial Decision at 6; see also N.J.A.C. 10:90-6.9(a)(7). The ALJ found that Petitioner had exhausted her lifetime limit of EA benefits, that she had failed to procure permanent affordable housing, without good cause, as required under PHASE, and that she failed to offer any evidence of impediments inhibiting her from securing permanent housing. See Initial Decision at 8. Moreover, the record reflects that Petitioner does not have a valid 12-month MED-1 form, which is also a requirement for PHASE eligibility. *Id.* at 2-4; see also N.J.A.C. 10:90-6.9(a)(1)(i). Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA



benefits under PHASE, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 8; see also Exhibit R-1, and N.J.A.C. 10:90-6.9. I agree.

However, in light of the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018, which extends EA benefits eligibility for certain categories of individuals, I am remanding this matter to the Agency, and directing that the Agency reevaluate Petitioner's eligibility for continued EA benefits in accordance with the new law. See DFD Instruction 19-02-01.

By way of comment, if Petitioner remains ineligible for EA benefits after the Agency's reevaluation, 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, the Agency's determination is AFFIRMED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

FEB - 6 2019

Natasha Johnson
Director

