



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 10620-18 D.L.

AGENCY DKT. NO. C129167003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP") and the PHASE eligibility requirements by failing to provide monthly housing search logs and by failing to provide proof of legal counsel in her Supplemental Security Income ("SSI") claim. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2018, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 20, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, has received 24 months of EA benefits, and as such, that she has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions. See Initial Decision at 3; see also Exhibit R-1 at 33-37, and N.J.A.C. 10:90-6.4(a), (b), (c). Petitioner had continued to receive EA benefits under PHASE. See Initial Decision at 2; see also Exhibit R-1 at 20, and N.J.A.C. 10:90-6.9. While receiving EA benefits under PHASE, Petitioner executed an SP and a PHASE Agreement wherein she agreed, among other things to provide the Agency with monthly housing search logs; and to provide proof that she had retained legal counsel to assist with her SSI claim, which is a requirement for continued PHASE eligibility. See Initial Decision at 2, 5; see also Exhibit R-1 at 17-19, and N.J.A.C. 10:90-6.9(b)(1), (4). However, the ALJ found that Petitioner failed to provide the Agency with her housing search logs in June 2018, and she failed to provide proof of legal counsel, without good cause. See Initial Decision at 3, 5. Based on the foregoing, the ALJ found that Petitioner has exhausted her lifetime limit of EA benefits, that she had failed to comply with her SP and PHASE Agreement, without good cause, and therefore, that she did not qualify for any further extensions. *Id.* at 4-5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits under PHASE was proper and must stand. *Id.* at 5-6; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.6(a), 6.9(b)(4). 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, because I concur with the ALJ's finding that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a).



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Moreover, because Petitioner has been receiving continued assistance pending the outcome of this hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further 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.

OCT 01 2018

Natasha Johnson

Director

