



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 15350-18 J.D.

AGENCY DKT. NO. S731175009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA , contending that she failed to comply with her EA service plan ("SP"), and that her whereabouts were unknown. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 14, 2018, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 15, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was receiving EA benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 2. In accordance with regulatory authority, Petitioner executed an SP, wherein she agreed, among other things, to participate in the Substance Abuse/Behavioral Health Initiative ("SAI/BHI") and to provide the Agency with monthly updates regarding the status of her Supplemental Security Income ("SSI") benefits application. Ibid.; see also Exhibit P-1, "Emergency Assistance (EA) Service Plan," and N.J.A.C. 10:90-6.6(a), -6.9(b)(4). The Agency terminated Petitioner's EA benefits, contending that she failed to provide updated SSI information, that she failed to participate in the SAI/BHI program, and that her whereabouts were unknown. See Initial Decision at 1-2; see also "Notification Form," and "Case Worker Referral Form." However, the ALJ found that Petitioner had provided the required SSI updates to the Agency; that the Agency knows Petitioner's whereabouts as she has continued to receive EA benefits during the pendency of the fair hearing; and that, in light of Petitioner's mental health and reading issues, that the Agency should assist Petitioner in her efforts to comply with the SAI/BHI program. See Initial Decision at 2-3; see also Exhibits P-1, P-2. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits under PHASE was improper and must be reversed. See Initial Decision at 2-3; see also "Notification Form." 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.

~~DEC 20~~ 2018

Natasha Johnson

Director

