



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 09759-18 L.A.

AGENCY DKT. NO. C152430003 (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 he had exhausted his 12-month lifetime limit of EA benefits, and did not qualify for an extreme hardship extension of such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 10, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has received 12 months of EA benefits, and as such, Petitioner has exhausted his lifetime limit of EA benefits. See Exhibit R-5; see also N.J.A.C. 10:90-6.4(a). Petitioner testified that he has a Supplemental Security Income ("SSI") benefits application pending, although no substantiating documentation was provided, and the ALJ found that Petitioner does not have a valid 12-month MED-1 form. See Initial Decision at 3-4; see also Exhibit R-8. Based on the foregoing, as well as the testimony and documentation presented, the ALJ found that Petitioner does not qualify for an extreme hardship extension of EA benefits, or an extension of EA benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(a), (b), -6.9. On that basis, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. 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, an additional transmitted issue in this matter pertained to a termination EA benefits due to a service plan violation. However, that issue was not address by the ALJ in the Initial Decision, and as such, I make no finding as to that issue. Should Petitioner still have an issue regarding a termination of EA benefits due to a service plan violation, Petitioner may request another fair hearing on that issue alone.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.



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

Officially approved final version.

Natasha Johnson
Director

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