



State of New Jersey

PHILIP D. MURPHY
Governor

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 09869-18 L.E.

AGENCY DKT. NO. C098395003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits under the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. The Agency terminated Petitioner's EA benefits contending that she has exhausted her lifetime limit of EA benefits, and had failed to comply with her EA service plan ("SP"). 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.

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, based on the discussion below.

Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance benefits recipient, had exhausted her lifetime limit of EA benefits, and was approved for an extension of EA benefits under PHASE. See Initial Decision at 2, 4; see also Exhibit R-2 at 4, R-3 at 2-3, and N.J.A.C. 10:90-6.4(a), (b), (c). On May 3, 2018, Petitioner began to reside in temporary shelter placement, and executed a PHASE Agreement ("Agreement"), which is not an SP as represented by the Agency, wherein she agreed, among other things, to find and secure permanent housing within 60 days. See Initial Decision at 4; see also Exhibit R-3 at 1, R-4, and N.J.A.C. 10:90-6.6(a). The Agency testified that Petitioner failed to obtain permanent housing as called for in the Agreement, and on June 27, 2018, it notified Petitioner that, effective July 7, 2018, her EA benefits were being terminated. See Initial Decision at 2, 4; see also Exhibit R-1. 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 4; 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 find and secure permanent housing in violation of the SP, without good cause given for such failure; and therefore, that she is ineligible for continued EA benefits under PHASE. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a), -6.9(a)(7). While I concur with the ALJ's conclusion, I find that Petitioner is not ineligible for EA benefits based on an SP violation, as no SP was provided in the record. Rather, I find that she is ineligible for EA benefits under PHASE in accordance with N.J.A.C. 10:90-6.9(a)(7), as she has received 60 days of EA benefit payments for her temporary shelter placement, and



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has not obtained permanent housing. See Initial Decision at 4; see also Exhibit R-3. The Initial Decision is modified to reflect this finding.

By way of 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.

By way of further comment, Petitioner is without prejudice to reapply for EA benefits pursuant to PHASE, should she find permanent, affordable housing. See Exhibit R-3 at 1, and N.J.A.C. 10:90-6.9.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

SEP 20 2018

Natasha Johnson

Director

