



*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 06422-18 M.C.

AGENCY DKT. NO. S921341009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA contending that he failed to provide the Agency with proof of an application for Supplemental Security Income ("SSI") benefits and denied Petitioner EA benefits contending that he was not a WFNJ or SSI benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 15, 2018, but adjourned by consent of the parties. On June 5, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 7, 2018, the ALJ issued an Initial Decision, reversing 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, REVERSE the Agency's determination, and REMAND the matter to the Agency to review the EA benefits issue based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-6.9, in order to be eligible for an extension of EA benefits in accordance with the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, the assistance unit ("AU") must be receiving WFNJ cash benefits; the AU must contain at least one adult member who is permanently disabled, as evidenced by a 12-month MED-1; the permanently disabled adult(s) must have a Supplemental Security Income ("SSI") application or appeal pending; all adult members of the AU must be unemployable; the AU unit must have exhausted their 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions; the AU must be in imminent danger of homelessness; and the permanently disabled adult(s) must retain legal counsel to assist with the SSI application/appeal process within 60 days after being determined eligible for PHASE.



Here, the ALJ found that Petitioner has provided proof to the Agency that he had indeed applied for SSI benefits, and that his application is pending. Therefore, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner, on the basis that Petitioner failed to apply for SSI benefits, was improper and must be reversed. See Initial Decision at 2-4; see also Exhibits P-1 through P-6. I agree.

The ALJ also concluded that Petitioner is eligible for EA benefits in accordance with PHASE. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.9. While it appears from the record that Petitioner is now eligible for EA benefits, having been found eligible for WFNJ/GA benefits, I find that it is unclear from the record, however, whether Petitioner has ever received EA benefits, or if he has exhausted his 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions, such that he would be eligible for EA benefits pursuant to PHASE, or rather, if he would be eligible for EA benefits to be counted towards his lifetime limit of said benefits. See N.J.A.C. 10:90-6.4(a), (b), (c), -6.9. Therefore, I am remanding the matter to the Agency to reevaluate Petitioner for EA benefits, on an expedited basis, as discussed above. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency as outlined above.

Officially approved final version.

**JUN 20 2018**

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Natasha Johnson  
Director

