



State of New Jersey

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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 18708-17 R.S.

AGENCY DKT. NO. C066839015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 29, 2017, but was adjourned to allow Petitioner time to provide documentation to support possible eligibility for EA benefits under the Provisional Housing – Awaiting Supplemental Security Income/ Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. On January 2, 2018, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 3, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has received 62 months of EA benefits, and as such, the Agency denied Petitioner's application for EA benefits because she had exhausted her lifetime limit of EA benefits, plus all available extensions. See Initial Decision at 2; see also Exhibits R-1, R-3, R-4, and N.J.A.C. 10:90-6.4(a), (b), (c). However, Petitioner was given an opportunity to provide documentation to determine her possible eligibility for an extension of EA benefits pursuant to the PHASE pilot. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9. The record indicates that Petitioner has applied for Supplemental Security Income ("SSI") benefits on September 8, 2017, that she has not yet retained legal counsel regarding her SSI claim, and that she has a three-month MED-1 form. See Initial Decision at 3-4; see also Exhibit R-15. Based on the foregoing, the ALJ found that Petitioner does not qualify for an extension of EA benefits under the PHASE pilot, because in order to be eligible for said pilot, she must, among other things, have a 12-month MED-1 form, which she does not have. See Initial Decision at 3-4; see also Exhibit R-15, and N.J.A.C. 10:90-6.9(a)(1). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (c). 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, 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.

JAN 17 2018

Natasha Johnson

Director

