



State of New Jersey

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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 06785-18 S.M.

AGENCY DKT. NO. C147852015 (OCEAN COUNTY BOARD 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 lifetime limit of EA benefits, and no longer qualified for an extension of EA benefits pursuant to the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 22, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 11, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had exhausted his lifetime limit of EA benefits, plus all available hardship extensions, and that he had been receiving continued EA benefits under PHASE. See Initial Decision at 2; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.9. Petitioner had met the criteria for PHASE based on, among other things, a 12-month MED-1 form indicating that Petitioner's disability prohibited him from participating in gainful employment and/or occupational training. See Exhibit R-5; see also N.J.A.C. 10:90-6.9. Petitioner's 12-month MED-1 form expired on May 2, 2018. See Initial Decision at 4; see also Exhibit R-5. In order to be eligible for continued EA benefits under PHASE, Petitioner was required to provide the Agency with a current 12-month MED-1 form. See Initial Decision at 2. Petitioner provided the Agency with two current MED-1 forms, however, the ALJ found that neither form indicated a 12-month disability such that Petitioner was unable to participate in employment and/or occupational training. *Id.* at 2-4; see also Exhibits R-9, R-10. Moreover, Petitioner testified that he is capable of working, but that it is criminal record which prevents him from finding employment, and the ALJ found that the evidence presented by Petitioner at the hearing confirms that he is capable of pursuing employment. See Initial Decision at 4-5; see also Exhibit P-1. Based on the foregoing, the ALJ found that Petitioner does not meet the criteria for continued EA benefits under PHASE. See Initial Decision at 5-7; see also N.J.A.C. 10:90-6.9. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 7; 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, 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.



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

Officially approved final version.

AUG - 9 2010

Natasha Johnson

Director

