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 **16878-18 C.M.**

AGENCY DKT. NO. **C234001009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions, and that she did not meet the criteria for continued 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 December 19, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 28, 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 ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter to the Agency, as outlined below.

Here, the record reflects that Petitioner has received at least 24 months of EA benefits; that she is not a United States citizen; and that she does not have a Supplemental Security Income ("SSI") benefits application or appeal pending. See Initial Decision at 2; see also Exhibit R-2. It appears from the record that Petitioner may be disabled; however, no MED-1 form was entered into the record to substantiate any such disability. See Exhibits P-1, P-3, P-5. Based on the foregoing, the Agency claims that Petitioner is ineligible for SSI benefits, and as such, that she does not have, and cannot have, an SSI benefits application or appeal pending, required for PHASE eligibility. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.9(a)(1)(iv). The ALJ agreed, concluding that Petitioner had exhausted her lifetime limit of EA benefits and does not meet the criteria for an extension of EA benefits under PHASE. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (d), -6.9. Accordingly, the ALJ found that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3; see also Exhibit R-1. I agree that Petitioner has exhausted her lifetime limit of EA benefits, and is not currently eligible for an extension of EA benefits pursuant to PHASE.

While Petitioner has no SSI benefits application or appeal pending, and I hereby affirm the Agency determination on that basis, I note that SSI benefits are available for certain categories of non-citizens. Further, in accordance with the State of New Jersey Senate Bill, No. 866 ("S866"), if Petitioner can provide the Agency with a 12-month MED-1 form substantiating her disability, she may be eligible for continued EA benefits. Petitioner must nonetheless apply for SSI benefits, and I direct the Agency to assist her with same. Accordingly, this matter is remanded to the Agency to reevaluate Petitioner for EA benefits pursuant to S866, and to assist Petitioner in applying for SSI benefits.

Based on the foregoing, the Initial Decision is hereby ADOPTED, the Agency's action is AFFIRMED, and the matter is REMANDED to the Agency, based on the discussion above.

Officially approved final version.

FEB 1 4 2019

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Natasha Johnson
Director