



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **01057-22 R.H.**

AGENCY DKT. NO. **C262674020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she did not qualify for any available EA benefits extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 15, 2022, the Honorable Mathew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 16, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 ALJ found, and Petitioner acknowledged, that she has exhausted her lifetime limit of EA benefits, plus all applicable extensions. See Initial Decision at 3, 6; see also Exhibit R-1 at 22-39, and N.J.A.C. 10:90-6.4(a), (b). Consequently, Petitioner applied for an extension of EA benefits pursuant to the State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"), which extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See Initial Decision at 2; see also Exhibit R-1 at 12, and DFD Instruction ("DFDI") No. 19-02-01. Petitioner also acknowledged that she is not an SSI benefits recipient, nor has she provided the Agency with a MED-1 form indicating a permanent disability, and that she is therefore ineligible for an EASG extension of EA benefits. See Initial Decision at 4-5. Nevertheless, Petitioner requested a "courtesy" extension of EA benefits based on her particular circumstances. *Ibid.*; see also Exhibit R-1 at 12. However, the ALJ found that the relevant regulations do not allow for any such extension. See Initial Decision at 6-9; see also N.J.A.C. 10:90-6.4(a), (b), and S866. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA



benefits to Petitioner, and the resultant termination of said benefits, was proper and must stand. See Initial Decision at 9-10; see also Exhibit R-1 at 13. I agree.

The ALJ further opined that Petitioner may be eligible for an extension of EA benefits under the Provisional Housing - Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program promulgated December 18, 2017. See N.J.A.C. 10:90-6.9(a)(1)(i), (iv). See Initial Decision at 9. This assertion is misplaced, however, as PHASE was a three-year pilot program which expired on December 18, 2020, and therefore, I find that Petitioner may not avail herself of this program as it no longer exists. See N.J.A.C. 10:90-6.9(a), (e). The Initial Decision is modified to reflect this finding.

By way of comment, 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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. February 24, 2022

Natasha Johnson
Assistant Commissioner

