



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 05978-18 D.F.

AGENCY DKT. NO. C146720007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's request for certain proofs of housing searches required prior to its approval of Petitioner's application for an extension of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 1, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency for a determination on the merits of Petitioner's application for an extension of EA benefits.

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, and REVERSE the Agency's determination.

Here, the record reflects that Petitioner began receiving EA benefits in March 2017. See Initial Decision at 2. On October 2, 2017, Petitioner executed an EA service plan ("SP") wherein he agreed, among other things, to do ten housing searches per week, and to try and find a permanent housing arrangement. *Ibid.*; see also Exhibit R-2. The Agency had also provided Petitioner with a list of housing options. See Initial Decision at 5. When Petitioner applied for an extension of EA benefits on April 18, 2018, he was noticed by the Agency that approval of his application was pending receipt of requested housing search documentation from March 2017, through the present, including housing applications as proof of his housing searches. *Id.* at 3; see also Exhibit R-1.

However, the ALJ found that requiring Petitioner to provide the Agency with housing searches from March 2017, was unreasonable, particularly when there was no indication of a failure to comply with a prior SP regarding such searches. See Initial Decision at 5-6. Further, the ALJ found that the list that had been provided to Petitioner was outdated, and therefore, many of the housing prospects on the list were no longer viable, and that Petitioner did not meet the criteria for many of the housing options on the list. *Id.* at 5; see also Exhibit R-3. Moreover, the ALJ found that to require Petitioner to provide housing



applications to the Agency for every housing search done by Petitioner, was unreasonable, particularly because many of those housing options were either not taking applications at that time, or Petitioner did not meet the criteria for such housing. See Initial Decision at 3, 5; see also Exhibits P-5, and R-3. The record reflects that Petitioner provided three housing applications that he was able to complete. See Initial Decision at 3; see also Exhibits P-2, P-3, and P-4. Additionally, the ALJ found that Petitioner had provided the Agency with housing searches for October 2017, and December 2017, through May 2018, and that Petitioner had never been penalized by the Agency for any SP violation in relation to his October 2017, SP housing search requirements. See Initial Decision at 3-4, 6; see also Exhibits P-5, and R-3. Based on the foregoing, the ALJ concluded that, in the absence of any evidence of noncompliance with Petitioner's SP, Petitioner's testimony, and the presentation of housing searches noting various reasons that applications were not presented, Petitioner is not required to present the documentation requested by the Agency in its April 19, 2018, Notification Form, and has not violated his October 2017, SP. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). Therefore, the ALJ remanded the matter to the Agency to determine Petitioner's eligibility for EA benefits on the merits. See Initial Decision at 7. While I agree with the ALJ's ultimate conclusion, I find no need to remand the matter to the Agency based on the below discussion.

As it appears from the record that Petitioner has received 16 months of EA benefits, and based on the ALJ's conclusion that Petitioner has not violated his SP, and does not need to provide the requested documentation to the Agency, I find that Petitioner is eligible for an extreme hardship extension of EA benefits for up to two more months, or a total of 18 months of EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.4(a), (b), (c). Thereafter, Petitioner may apply 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 Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

**JUN 22 2018**

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Natasha Johnson  
Director

