



State of New Jersey

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*Governor*

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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 13720-18 D.M.

AGENCY DKT. NO. C436697007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions, and does not qualify for an extension of EA benefits under 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. A plenary hearing commenced on September 27, 2018, and was completed on October 1, 2018, before the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), who took testimony and admitted documents into evidence. On October 3, 2018, the ALJ issue 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, and AFFIRM the Agency's determination.

EA benefits are limited to 12 lifetime cumulative months, plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(a), (b). A Supplemental Security Income ("SSI") recipient may qualify for one six-month EA extension of benefits if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that an SSI recipient may receive is 18 months.

Here, the record indicates that Petitioner, an SSI benefits recipient, had received 57 months of EA benefits as of May 2016, that her rent is more than three months past due, and that she is seeking EA benefits because she is facing eviction. See Initial Decision at 3-4; see also Exhibits P-1, R-2, and "Payment Histories." Petitioner has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions, and is ineligible for an extension of EA benefits under PHASE because she is an SSI benefits recipient, and as such, regardless of how many months of past due rent Petitioner owes, or the circumstances of her emergent situation, there exists no regulatory authority by which the



Agency may grant Petitioner any further extension of EA benefits. See Initial Decision at 2-3; see also Exhibit R 1, and N.J.A.C. 10:90-6.3(a)(5), -6.4(a), (b), (c), and -6.9. Based on the foregoing, I concur with the ALJ's conclusion that the Agency's denial of EA benefits to Petitioner was proper. See Initial Decision at 5.

By way 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 action is AFFIRMED.

Officially approved final version.

**OCT 11 2018**

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Natasha Johnson

Director

