



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 13804-18 R.B.

AGENCY DKT. NO. S735850009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he had exhausted his lifetime limit of EA benefits, plus all extreme hardship extensions, and did 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. On September 27, 2018, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 28, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, an employable Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, has received 21 months of EA benefits, and as such, that he has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions. See Initial Decision at 4; see also Exhibit R-1 at 7-10, and N.J.A.C. 10:90-6.4(a), (b), (c). On September 9, 2018, Petitioner applied for an extension of EA benefits under PHASE, but the Agency denied said extension contending that Petitioner did not qualify for PHASE. See Initial Decision at 2-3; see also Exhibit R-1 at 1-4. The ALJ agreed with the Agency's denial, finding that Petitioner did not have a 12-month MED-1 form, or a Supplemental Security Income ("SSI") application pending approval or appeal, both requirements for PHASE eligibility. See Initial Decision at 3, 5; see also Exhibits P-3, P-4, and N.J.A.C. 10:90-6.9(a) (1). Petitioner also testified that he did not want to apply for SSI benefits and did not want to receive EA benefits under PHASE because he did not want to be considered disabled. See Initial Decision at 3. Moreover, the ALJ found that the issues appealed by Petitioner at this hearing had already been fully adjudicated in two prior appeals by Petitioner regarding the termination and denial of EA benefits, and that both adjudications had been upheld in the respective Final Agency Decisions as well. *Id.* at 3; see also Exhibits P-1, R-1 at 2. Further, the record indicates that Petitioner has been offered shelter housing by another agency, but that he refuses to apply for such housing because it is inconvenient and not conducive to interviewing for work. See Initial Decision at 3; see also Exhibit P-2. Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner



under PHASE was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 1-4, and N J A.C. 10:90-6.9. I agree.

Exceptions to the Initial Decision were filed by Petitioner on October 1, 2018.

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, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

OCT 09 2018

Natasha Johnson
Director

