



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 10744-18 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 applicable extensions, and does not qualify for an extension of 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 July 31, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that it had been determined in a prior Final Agency Decision ("FAD") that Petitioner had exhausted his 12-month lifetime limit of EA benefits, plus one six-month extreme hardship extension; and the Agency's denial of another extreme hardship extension to Petitioner was upheld. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), (c). Petitioner appealed that FAD to the Appellate Division, however, said appeal was subsequently withdrawn. See Initial Decision at 2. Petitioner now appeals the Agency's denial of an extension of EA benefits under PHASE. *Ibid.*; see also Exhibit R-2. The ALJ found that Petitioner does not have a 12-month MED-1 form, that he does not have legal counsel representing him in his Supplemental Security Income ("SSI") appeal, and that he is not imminently homeless. See Initial Decision at 3, 5; see also Exhibits P-2, P-3. Accordingly, the ALJ concluded that Petitioner does not meet the eligibility criteria for an extension of EA benefits under PHASE, and therefore, the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.9. I agree.

Exceptions to the Initial Decision were filed by Petitioner on August 6, 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.

AUG - 7 2018

Natasha Johnson
Director

