



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 07071-18 T.G.

AGENCY DKT. NO. C295635004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he has exhausted his lifetime limit of EA benefits, plus all available extreme hardship extensions, and does not meet the criteria for an extension of EA benefits pursuant to the 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 May 21, 2018, the Honorable Susan Olgiate, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 23, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient who had received 28 months of EA benefits as of October 2017. See Initial Decision at 4; see also Exhibit R-1 at 15-16. By notice dated October 12, 2017, the Agency informed Petitioner that his EA benefits were being terminated, effective October 31, 2017, and that a six-month period of ineligibility for EA benefits was being imposed, because his apartment lease had been terminated due to improper actions and destruction of property at the apartment complex where he resided. See Initial Decision at 2, 4; see also Exhibits P-1, R-1 at 2-5, and N.J.A.C. 10:90-6.1(c)(3)(vi). Petitioner did not appeal that termination, or the imposition of the six-month EA ineligibility penalty. See Initial Decision at 4. Thereafter, Petitioner reapplied for EA benefits, and was denied said benefits by notice dated February 21, 2018, because he was still serving the six-month EA ineligibility penalty. See Initial Decision at 2, 4; see also Exhibit R-1 at 18-21. Petitioner did not appeal that denial. See Initial Decision at 6. After Petitioner's six-month EA ineligibility penalty had expired, Petitioner reapplied for EA benefits, but was again denied said benefits, by notice dated May 7, 2018, because he had exhausted his lifetime limit of EA benefits, plus all available extensions, and did not qualify for an extension of those benefits under PHASE because he had incurred a six-month EA penalty within the 12-month period prior to applying for PHASE. See Initial Decision at 2, 4; see also Exhibit R-1 at 11-14, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.9(c)(5).

Although Petitioner claimed that he was not evicted from his apartment due to improper actions or destruction of property, and that he did not receive the October 12, 2017, notice informing him of the six-month EA ineligibility penalty, the ALJ found his testimony unpersuasive, and unsubstantiated by corroborating documentation. See Initial Decision at 2-3, 6; see also Exhibits P-2 through P-4, and R-1 at 2-5. Particularly, the ALJ found that Petitioner had notice of the six-month EA ineligibility penalty, and his appeal rights on both his October 12, 2017, termination notice and of his February 21, 2018, denial notice, yet failed to appeal either. See Initial Decision at 6; see also Exhibit R-1 at 2-5, 18-21. Accordingly, the ALJ concluded that Petitioner is ineligible for EA benefits pursuant to PHASE, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 11-14, and N.J.A.C.



10:90-6.4(a), (b), (c), - 6.9(c)(5). I agree. Moreover, it is unclear from the record whether or not Petitioner meets the other criteria required for PHASE eligibility, such as a MED-1 form indicating a 12-month disability, and a Supplemental Security Income application or appeal pending. See N.J.A.C. 10:90-6.9(a)(1).

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 24, 2018, and by the Agency on May 25, 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, as well as the Exceptions submitted by the Agency, 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.

MAY 31 2018

Natasha Johnson
Director

