



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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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 14078-14 M.J.

AGENCY DKT. NO. C618218 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance in the form of Temporary Rental Assistance ("EA/TRA"). The Agency originally denied Petitioner's application for failure to comply but reversed its decision before the Initial Hearing and granted TRA benefits for six months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents into evidence.

No Exceptions to the Initial Decision were filed.

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 decision and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

Petitioner and her two children compose the assistance unit in this matter. Petitioner's benefits include a \$322 Temporary Assistance for Needy Families ("TANF") stipend and \$325 for Supplemental Nutritional Assistance Program ("SNAP"). In addition, Petitioner's children receive \$90 each (Total: \$180) of their father's Social Security Retirement Benefits. Her EA history includes six months of TRA and six months of storage of her possessions.

Page 2

Currently, Petitioner is unemployed but by notice from Respondent on November 5, 2014, she has been approved for additional six months of TRA. According to her Service Plan, her required contribution to the total rent is 30% of the households income or \$383.40 which begins in December of 2014. (R-1)

The Office of Administrative Law ("OAL") can acquire jurisdiction over a case only after a determination has been made that the case is contested. N.J.A.C. 1:1-3.2(a) A contested case is found when legal rights, duties, obligations, privileges, benefits, or other legal relations of specific parties are required...to be determined by decisions, determinations, or orders disposing their interests after an agency hearing has been held. Id at 2.1

Here, Petitioner's claim is for exactly what the Agency has already agreed to give her; namely approval of her EA application for TRA benefits. Her claim is for benefits that she can already receive outside of the result of this appeal. Stated simply, there is no issue to be adjudicated here. Petitioner has already been granted six months of EA benefits by way of the agency Notification Form dated November 5, 2014. If Petitioner continues to abide by her Service Plan, she will be entitled to the benefits she seeks here.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is AFFIRMED.

Signed Copy on File
at DFD, BARA

NOV 28 2014

Jeanette Page-Hawkins
Director