



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 04000-18 M.R.

AGENCY DKT. NO. C115015008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that the other person residing in the apartment with Petitioner was ineligible for Work First New Jersey ("WFNJ") benefits and could not pay his share of the rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on June 26, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the Initial Decision and AFFIRM the Agency determination, as discussed below.

Pursuant to N.J.A.C. 10:90-6.1(c)(2), as part of the determination of eligibility, or continued eligibility for emergency assistance, the Agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance ("TRA") to be provided.

Additionally, payment shall be provided for up to any three calendar months of retroactive rental payment, if it will prevent actual eviction. See N.J.A.C. 10:90-6.3(a)(5) (emphasis added).

Here, the record reflects that on December 29, 2017, Petitioner and R.M., who resided together and who were both WFNJ/General Assistance ("WFNJ/GA") benefits recipients at the time, applied for, and were granted, EA benefits in the form of TRA and utility arrears. See Initial Decision at 2; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-2.7(b)(1)(iii). On March 2, 2018, during a reassessment appointment for continued receipt of EA benefits, the Agency discovered that R.M. had a prior drug conviction, which rendered him ineligible for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-2.8(a)(8). The record reflects that R.M. is not employed. See Initial Decision at 2; see also Exhibit R-1 at 27. As a result of R.M.'s prior drug conviction, and consequent ineligibility for WFNJ benefits, the Agency removed R.M. from Petitioner's WFNJ/GA case, and terminated Petitioner's EA/TRA benefits because R.M. was no longer a WFNJ/GA benefits recipient and because R.M. was unable to pay his fair share of the rent as required by regulatory authority. See Initial Decision at 2; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(2), -6.2(a). Based on the foregoing, the ALJ concluded that because Petitioner and R.M. reside together as one economic unit, and because



R.M. is not eligible for WFNJ/GA benefits, Petitioner is ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a).

While I agree with ALJ's ultimate conclusion that Petitioner is ineligible for EA/TRA benefits, it is important to also note, as had been stated by the Agency in the March 2, 2018, adverse action notice, that Petitioner's ineligibility for EA/TRA is also due to the fact that R.M. is unable to pay his portion of the rent. See Initial Decision at 2-3; see also Exhibit R-1 at 27, 29-30. As such, payment by the Agency of Petitioner's half of the rent alone would not be sufficient to avoid or prevent eviction, nor would it cover the total prospective rent that would be due. See N.J.A.C. 10:90-6.1(c)(2), -6.3(a)(5). On that basis, I also find that Petitioner is ineligible for EA/TRA benefits and that the Agency's termination of Petitioner's EA/TRA benefits was proper and must stand. The Initial Decision is modified to reflect this finding. See Initial Decision at 2; see also Exhibit R-1 at 2-4.

By way of further 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 MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version.

**AUG - 8 2018**

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Natasha Johnson  
Director

