



State of New Jersey

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Governor

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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 17415-18 T.W.

AGENCY DKT. NO. C070776015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, because her household income exceeded her housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 19, 2019, the Honorable Edward J. Delaney, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 22, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's assistance unit consists of herself and three children. See Initial Decision at 2. By notice dated November 16, 2018, the Agency terminated Petitioner's EA benefits, effective November 30, 2018, contending that her household income exceeded her shelter costs. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a)(1). At the time Petitioner's EA benefits were terminated, she received Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and Supplemental Security Income ("SSI") benefits, on behalf of her child, for a total monthly household income of \$1,235. See Initial Decision at 2; see also Exhibits R-2, R-6, R-7. Petitioner's monthly shelter costs were \$1,161, including utilities. See Initial Decision at 2; see also Exhibits R-2 through R-5. Of note, Petitioner's current household income is \$1,268 and her shelter costs are \$1,163. See Initial Decision at 2; see also Exhibit R-12. Petitioner claims that she has other expenses such as, diapers, laundry, car insurance, toilet paper, and other household items that should be considered shelter costs. See Initial Decision at 2. However, it should be noted that Petitioner did not provide any documentation to substantiate such expenses. The ALJ found that Petitioner's claimed household expenses are not shelter costs and should not be included in the Agency's calculation of shelter expenses. Id. at 3. Further, the ALJ opined that "[i]f such expenses were allowed, there would be no end to what a petitioner could claim as shelter costs, and that is not the intent of the EA program." Ibid. Based on the foregoing, the ALJ concluded that Petitioner's household income exceeds her shelter costs, and therefore, the Agency's termination of her EA benefits was proper and must stand. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a)(1). I agree.

No Exceptions to the Initial Decision were received.

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 her current needs, including Social Services for the Homeless.



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

Officially approved final version.

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Natasha Johnson  
Director

MAR 28 2019

