



State of New Jersey

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Assistant Commissioner

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 01478-20 G.H.

AGENCY DKT NO C036696020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's January 21, 2020, termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the denial of Emergency Assistance ("EA") benefits, and the mandatory requirement that she pay 30 percent of her Supplemental Security Income ("SSI") benefits toward her housing costs. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP"). Petitioner also appealed the Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP") benefits allotment and the correctness of an overissuance of SNAP benefits. Because Petitioner appealed, both matters were transmitted separately to the Office of Administrative Law ("OAL") for hearings. On February 6, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), consolidated Petitioner's cases, docketed under OAL Docket Numbers HPW 01478-20 and HPW 01467-20, respectively, downgraded Petitioner's case regarding EA benefits to a non-emergent matter as Petitioner was not imminently homeless, and then held a plenary hearing, took testimony, and admitted documents. On February 10, 2020, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on February 14, 2020. In reviewing the Exceptions, it was determined that two pages were missing from Petitioner's submitted legal brief. The Bureau of Administrative Review and Appeals at the Division of Family Development reached out to Petitioner to obtain the missing pages. Petitioner submitted the missing pages on February 27, 2020.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.5(a) states, in pertinent part, "Recipients of emergency assistance, including those receiving SSI, shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements." Further, that regulation goes on to state, "SSI recipients with documented out-of-pocket medical expenses or other disability related expenses, which cannot be met through another source, are eligible for a reduction in their contribution amount." See N.J.A.C. 10:90-6.5(a)(1)(i).



Here, Petitioner, an SSI benefits recipient, claimed that in accordance with legal authority, due to her medical issues and status as a parolee, she was entitled to EA benefits in the form of clothing and other personal items; that she was entitled to an exemption from the requirement to contribute 30 percent share of her household income toward her monthly rent; and also, that she was entitled to a commitment by the Agency to provide her with EA benefits for a period of 12 months. See Initial Decision at 2, 6-7; see also Exhibit P-1 at 1a through 52a, "Reporting Instructions" and "Mandatory Supervision," and citing N.J.S.A. 44:10-72, N.J.S.A. 44:8-124, and N.J.A.C. 10:90-2.8(a)(2), -6.3(a)(3)(i), -6.5(a)(1)(i), -6.6(a)(2). However, the ALJ found that the statutes and regulations cited by Petitioner were not applicable to the issues at hand. See Initial Decision at 9-10. Rather, the ALJ found that, in accordance with N.J.A.C. 10:90-6.3(a), Petitioner was not eligible for EA benefits in the form of clothing and other personal items because she had sufficient, available SSI income to pay for such items herself; that in accordance with N.J.A.C. 10:90-6.5(a)(1)(i), she was not eligible for an exemption from paying the 30 percent share of her income toward housing costs because she had sufficient SSI income to pay her share, and had not demonstrated that she had documented out-of-pocket medical expenses or other disability expenses required for such exemption; and that her parolee status did not require the Agency to set aside its applicable regulatory requirement to review an EA benefits recipient's eligibility for EA benefits every six months, as set forth at N.J.A.C. 10:90-6.6(a)(2). See Initial Decision at 5, 8-11. Based upon the facts presented and the applicable law, the ALJ concluded that the Agency's determinations were proper and must stand. *Id.* at 12-13; see also Exhibits R-5, R-7, R-8, R-11. I agree. The ALJ also found that the Agency is permitted to collect a SNAP benefits overissuance for the months of August and September 2007; however, as the parties had agreed that this issue had been resolved, that issue was moot. See Initial Decision at 3, 10; see also N.J.A.C. 10:87-11.20. I also agree. Further, the ALJ found that both parties had agreed that the Agency's termination of Petitioner's \$100 monthly bus pass was also moot. See Initial Decision at 3; see also Exhibit R-6. Again, I also agree.

Additionally, the transmittal in this matter indicates a contested issue pertaining to the termination of Petitioner's WFNJ/GA benefits. It appears from the Initial Decision that Petitioner may no longer be contesting that issue. See Initial Decision at 5. I note that, in accordance with applicable regulatory authority, because Petitioner is now an SSI recipient, she is ineligible for WFNJ/GA benefits. See N.J.A.C. 10:90 2.8(a)(2) (stating that SSI recipients are not eligible for WFNJ cash benefits). As such, I find that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and is thereby also affirmed. The Initial Decision is modified to reflect this finding.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a reduction in her SNAP benefits allotment. See Initial Decision at 8. However, since that issue was not addressed in the Initial Decision, and as there is no substantiating documentation in the record upon which to make a finding, based on an independent review of the record, said issue has not been addressed in this Final Agency Decision. Therefore, if Petitioner still has an issue regarding her SNAP benefit allotment, she may request another hearing on that issue alone.

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

Officially approved final version.

FEB 28 2020

Natasha Johnson
Assistant Commissioner

