



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
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 14246-19 J.B.

AGENCY DKT. NO. C773490007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that her mortgage payment for her apartment is over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for October 23, 2019, at which time a settlement agreement was entered into regarding the denial of WFNJ/GA benefits to Petitioner. A hearing on the issue of a denial of EA benefits to Petitioner was rescheduled for November 14, 2019. On November 14, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 26, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, 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.

Here, the record reflects that Petitioner's monthly mortgage costs for her home total \$1,242.28, which is over the FMR of \$1,118.00 in Essex County for a one-bedroom apartment. See Initial Decision at 3-4; see also Exhibit R-3, and Division of Family Development ("DFD") Instruction 18-09-04. Petitioner argued that her house has two bedrooms, and as such, meets the FMR of \$1,279 for a two-bedroom apartment in Essex County. See Initial Decision at 4-5. The ALJ rejected Petitioner's argument that because her home has two bedrooms, the two-bedroom FMR should apply, and agreed with the Agency that because Petitioner's household consists of only one person, the one-bedroom FMR applies. *Ibid.* Based on the foregoing, the ALJ determined that Petitioner is ineligible for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.3(a)(7)(i)(1). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-1. I agree.



Of note, the ALJ erroneously states that Petitioner's household consists of herself and her son, that she receives \$425 in WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, \$337 in Supplemental Nutrition Assistance Program ("SNAP") benefits, and \$886 in EA benefits. See Initial Decision at 2. The ALJ's statement in this regard appears to be a typographical error, as the record indicates that Petitioner is a household of one, and that she is a WFNJ/General Assistance benefits recipient. Ibid.; see also Exhibit R-2 at 2. The Initial Decision is modified to reflect the correct facts related to this matter.

By way of comment, should Petitioner's circumstances change, such as an eviction from her home, or the securing of a one-bedroom apartment which is within the FMR for Essex County, she may reapply for EA benefits. Petitioner is advised, however, that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

JAN - 2 2020

Natasha Johnson
Assistant Commissioner

