



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 04128-21 A.R.

AGENCY DKT. NO. C090089018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency’s termination of Emergency Assistance (“EA”) benefits in the form of Temporary Rental Assistance (“TRA”). The Agency terminated Petitioner’s EA/TRA benefits, contending that she was no longer eligible for Work First New Jersey/General Assistance (“WFNJ/GA”) benefits, due to receipt of Supplemental Security Income (“SSI”) benefits, and that her SSI benefits exceeded her monthly housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2021, the Honorable Sarah G. Crowley, Administrative Law Judge (“ALJ”), held a telephonic plenary hearing, took testimony, and admitted documents. On June 3, 2021, the ALJ issued an Initial Decision, affirming the Agency’s determination.

No Exceptions to the Initial Decision were received.

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.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available “[w]hen shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]”

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects, and Petitioner acknowledged, that on April 12, 2021, she began receiving monthly SSI benefits in the amount of \$825.25, and that her monthly rent including utilities is \$750. The record also reflects that Petitioner receives Supplemental Nutrition Assistance Program (“SNAP”) and Medicaid benefits, and further, that she received a lump sum SSI benefits payment of \$2,382. See Initial Decision at 2-3; see also Exhibit R-1 at 4, 5. Based on foregoing, the ALJ concluded that Petitioner’s monthly SSI benefits exceeded the WFNJ/GA benefits amount allowable for said benefits eligibility, and affirmed the Agency’s termination of Petitioner’s WFNJ/GA benefits. See Initial Decision at 3-4;



see also Exhibit R-1 at 3, and N.J.A.C. 10:90-3.5(b). Although not a transmitted issue, based on an independent review of the records, I agree with the ALJ's conclusion. The ALJ further concluded that because Petitioner was no longer eligible for WFNJ/GA benefits, she was also no longer eligible for EA/TRA benefits, and on that basis, affirmed the Agency's termination of Petitioner's EA/TRA benefits. See Initial Decision at 4; see also R-1 at 2. I respectfully disagree with this conclusion. Rather, I find that, as an SSI benefits recipient, Petitioner would have been eligible for continued EA/TRA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 4, and N.J.A.C. 10:90-6.2(a). However, because Petitioner's monthly SSI benefits exceed her housing costs, I find that she is ineligible for EA/TRA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 5, and N.J.A.C. 10:90-6.1(a)(1). On that basis, I find that the Agency's termination of Petitioner's EA/TRA benefits was proper and must stand. See Exhibit R-2. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

JUL - 8 2021

Natasha Johnson
Assistant Commissioner

