



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 03630-21 J.R.

AGENCY DKT. NO. C086525015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits, contending that her emergent situation was not due to circumstances beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 18, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties an opportunity to provide additional information, and upon receipt of same from the parties on May 18, 2021, the record then closed.

On June 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner was not seeking EA benefits due to the loss of her Section 8 housing voucher, which was terminated for failure to advise the housing authority that an unauthorized roommate was residing with her, but rather, Petitioner applied for EA benefits approximately a year and four months after said voucher had been terminated. See Initial Decision at 3-4, 7-8, see also Exhibits R-2, R-4, and R-5. Specifically, the ALJ found that Petitioner's roommate had continued to pay the rent for more than a year after said Section 8 housing voucher had been terminated, and until such time as he had advised Petitioner that he could no longer continue to pay the full month's rent. See Initial Decision at 5-8; see also Exhibits R-5, R-6, and R-8. Based on the foregoing, the ALJ further found that Petitioner's loss of said housing voucher was too remote in time, with no nexus with respect to her need for housing assistance, and as such, the Agency's denial of EA benefits to Petitioner on the basis that her emergent situation was not due to circumstances beyond her control was improper. See Initial Decision at 8-10; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). The ALJ also found that, at the time Petitioner applied for EA/TRA benefits, she was a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient and did not have sufficient income to pay her portion of the rent. See Initial Decision at 2, 4-6. However, the ALJ found that Petitioner is not homeless or imminently homeless, and on that basis, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 8-10; see also Exhibit R-1. I agree. Further, the ALJ concluded that a six-month period of ineligibility should not be imposed upon Petitioner, and that she may reapply for EA benefits should her circumstances change. See Initial Decision at 11. I also agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

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

Officially approved final version.

JUL - 8 2021

Natasha Johnson

Assistant Commissioner

