



State of New Jersey

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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 854-21 K.Q.

AGENCY DKT. NO. S500083012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits in the form of back rent, and denied Petitioner an extension of EA benefits. The Agency denied Petitioner EA benefits, and denied her an extension of EA benefits, contending that Petitioner's income exceeded her housing costs, and as such, she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An initial telephonic hearing was scheduled for March 9, 2021, but was adjourned because Petitioner had not received or reviewed the Respondent's hearing packet. On March 16, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects, and Petitioner acknowledged, that her monthly income is \$1,220.36, and her monthly rent is \$963. See Initial Decision at 2, 4, 6; see also Exhibits R-5, R-6, R-11, R-18. Petitioner also receives Supplemental Nutrition Assistance Program ("SNAP") benefits, and had received utility payment assistance in October 2020. See Initial Decision at 2-4, 6; see also Exhibits R-15, R-16. The record also reflects that the Agency had taken into consideration Petitioner's monthly utility payments in reaching its determination. See Initial Decision at 3; see also Exhibit R-16. Nevertheless, Petitioner contended that she did not have sufficient income to pay her rent for the months of July 2020, through October 2020. *Id.* at 3-5; see also Exhibit R-10. However, the ALJ found that Petitioner had failed to provide documentation evidencing that she was unable to pay her rent due having been spent her funds on items deemed appropriate, necessary, or reasonable for decent living, as required for EA benefits eligibility in this case. See Initial Decision at 6-8; see also Exhibits R-9, R-17, R-19, and N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ found that Petitioner had sufficient income to pay her July 2020, through October 2020, but failed to do so, and that she has sufficient income to pay her rent going forward. See Initial Decision at 7-9. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand, and consequently, because Petitioner had exhausted her EA benefits and was found ineligible for EA benefits, she was also ineligible for an extension of EA benefits. *Id.* at 9; see also Exhibits R-1, R-7, R-8, R-12, R-13, 19, and N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(1)(ii), -6.4(a). I 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.

MAY 18 2021

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Natasha Johnson  
Assistant Commissioner

