



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 002268-21 M.G.

AGENCY DKT. NO. C059029020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to pay her share of shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 12, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner receives \$814 per month in Supplemental Security Income ("SSI") benefits, and that she was required to pay 30 percent of her SSI income of \$244 per month for her share of shelter costs. See Initial Decision at 3-4; see also Exhibit R-1 at 3, 4 and N.J.A.C. 10:90-6.5(a). The record also reflects that due to a rent forbearance, extended by the shelter to its residents from March 2020, through October 2020, Petitioner was not required to pay her 30 percent portion of the shelter costs during that time. See Initial Decision at 3. Petitioner was advised by both the shelter and the Agency that she was responsible for paying her share of the shelter costs for November and December 2020, or her shelter placement would terminate. *Ibid.*; see also Exhibit R-1 at 2, 5. Petitioner admitted that she had not paid her November 2020, or December 2020, share of shelter costs, claiming that she did not have enough money in her checking or savings accounts to do so because she had used her funds to pay for her cell phone, storage, and unspecified fines. *Id.* at 3-4. The ALJ in this matter found that Petitioner had \$700 in her account(s) at the time she was required to pay her share of the shelter costs, that she had the opportunity to save close to \$2,000 during said rent forbearance in anticipation of having to begin paying her portion of the shelter costs, but nevertheless, she had admittedly failed to pay her share of shelter costs. *Id.* at 4-5. Further, the ALJ found that Petitioner could not adequately account for the living expenses she claimed that she had paid. *Id.* at 5. Based on the foregoing, the ALJ found that Petitioner failed to pay her 30 percent of shelter costs, required by regulatory authority, and that consequently, she was terminated from her shelter placement, thereby causing her own homelessness. *Id.* at 5-6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper, and imposed a six-month period of ineligibility for EA benefits upon Petitioner. *Id.* at 6; see also Exhibit R-1 at 10, and N.J.A.C. 10:90-6.1(c)(3), -6.5(a). I agree, however, in light of



the present COVID-19 protocol, no six-month EA ineligibility penalty shall be imposed. See Division of Family Development Instruction ("DFDI") 21-02-03.

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.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAR 18 2021

Natasha Johnson

Assistant Commissioner

