



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05622-21 R.M.

AGENCY DKT. NO. C049409021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

Petitioner appeals from the Respondent Agency's April 16, 2021, termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that her income exceeded her housing costs. A hearing was initially scheduled for June 22, 2021. Petitioner failed to appear, however, she had explained her absence, and the hearing was rescheduled for July 13, 2021. In the interim, another fair hearing request had been transmitted to the Office of Administrative Law ("OAL") on the same issue. On July 13, 2021, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), consolidated Petitioner's cases, docketed under OAL Docket Numbers HPW 04398-21 and HPW 05622-21, respectively, and then held a telephonic plenary hearing, took testimony, and admitted documents. On July 19, 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, 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 [Work First New Jersey] WFNJ or [Supplemental Security Income] 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[.]"

Here, the ALJ found that Petitioner's monthly household income is \$1,039, and that her monthly rent is \$910, plus an approximate monthly utility cost of \$102. See Initial Decision at 2; see also Exhibit R-1 at 18, 35. The ALJ also found that Petitioner was owed back Social Security Administration payments of over \$11,000, which are being paid to her in semi-annual payments of \$2,475. See Initial Decision at 3; see also Exhibit R-1 at 16. Further, the ALJ found that in June 2021, Petitioner had received a one-time payment of \$1,700, made to all Temporary Assistance for Needy Families ("TANF") recipients, as well as a previous COVID relief check in the amount of \$600. See Initial Decision at 3. Based on the foregoing, the ALJ found that, in accordance with regulatory authority, Petitioner was ineligible for EA benefits, as her monthly income exceeded her housing costs. *Id.* at 3. Accordingly, the ALJ



concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5. I agree. However, I find that the ALJ's reliance upon N.J.A.C. 10:90-6.9 as the controlling regulatory authority in this matter is misplaced. See Initial Decision at 3. Rather, N.J.A.C. 10:90-6.1(a)(1) is the correct applicable regulatory authority in this instance. 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.

AUG 31 2021

Natasha Johnson
Assistant Commissioner

