



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 06790-21 S.O.

AGENCY DKT. NO. C153229020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2021, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 18, 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 MODIFY 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, the record substantiates, and Petitioner acknowledged, that she receives \$825 per month in SSI benefits, and \$230 per week in Unemployment Insurance Benefits ("UIB"), totaling \$1,821 in monthly household income. See Initial Decision at 2-3; see also Exhibits R-2, R-3, and R-4. The record also reflects that Petitioner's monthly rent is \$850. See Initial Decision at 2. Based on the foregoing, the ALJ found that Petitioner has sufficient income to pay her rent, and as such, she is ineligible for EA benefits. See Initial Decision at 3-4. Moreover, the ALJ found that Petitioner is not homeless, or imminently homeless, and on that basis, she is also ineligible for EA benefits. See Initial Decision 3-4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1. While I agree with the ALJ's ultimate conclusion, I find that the ALJ's and the Agency's reliance on N.J.A.C. 10:90-6.1(c)(2) is misplaced. See Initial Decision at 3-4; see also Exhibit R-1. Rather, I find that the applicable regulatory



authority in this matter is N.J.A.C. 6.1(a)(1), as stated above. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, should Petitioner's circumstances change, she may reapply for EA benefits.

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

Officially approved final version.

AUG 31 2021

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Natasha Johnson

Assistant Commissioner

