



State of New Jersey

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Governor

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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 02866-21 W.C.

AGENCY DKT. NO. C058765017 (SALEM 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/TRA benefits, contending that she had the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 26, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 30, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, at the time Petitioner applied for EA benefits, she owed past due rent for the months of October 2020, through December 2020. See Initial Decision at 2; see also Exhibit R-1 at 6-12. Petitioner's monthly rent is \$775 per month, and she has lived in her current apartment for 20 years. See Initial Decision at 2, 4; see also Exhibit R-1 at 26-31. The record also reflects that in 2017, Petitioner received a Workmen's Compensation settlement award in the amount of \$101,520, for an injury sustained in 2012, payable in biweekly amounts of \$846.00. See Initial Decision at 2-3; see also Exhibit R-1 at 14-15. Petitioner's last settlement payment was in October 2020. See Initial Decision at 2; see also Exhibit R-1 at 21. Petitioner had received \$500 from her family in November and December 2020. See Initial Decision 2-3; see also Exhibit R-1 at 22-23. Further, the record reflects that Petitioner had not worked since 2017, but had become employed in February 2021, with an annual salary of \$50,000, and has been able to pay her rent since that employment date. See Initial Decision at 4-5. The ALJ found that during the four years that Petitioner had been receiving her \$846 biweekly settlement payments, she had failed to plan for how she would pay her rent once such payments stopped, specifically, she had made no meaningful effort to look for work, and had failed to look for more affordable housing. *Id.* at 3-7. Further, the ALJ found that Petitioner had not used the \$500 amounts, provided by her family, towards the payment of her November or December 2020, rent. *Id.* at 3, 5; see also R-1 at 16, 22-23. Additionally, it does not appear from the record that Petitioner had demonstrated that her household income was spent on items deemed appropriate, necessary, or reasonable for decent living. See Initial Decision at 5; see also Exhibit R-1 at 16, 20-23, and N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, the ALJ concluded that Petitioner had the realistic capacity to plan to avoid her emergency, but failed to do so, and as such, the Agency's denial of EA benefits to Petitioner



was proper and must stand. See Initial Decision at 6-9; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.1(c). 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.

JUN 15 2021

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Natasha Johnson  
Assistant Commissioner

