



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 **06610-23 C.W.**

AGENCY DKT. NO. **C016617010 (HUNTERDON COUNTY BD. 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 had sufficient income and the capacity to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record then closed on August 17, 2023, after a telephone conference with the parties. On August 31, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 7, 2023.

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.

N.J.A.C. 10:90-3.19(a) states, "Exempt income is not considered in determining initial and continued eligibility for assistance or in computing the amount of [Work First New Jersey] cash assistance payments; however, as part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household in accordance with N.J.A.C. 10:90-6.1(c)2." (emphasis added).

In order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to his/her assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

Here, the record reflects that based on Petitioner's monthly Supplemental Security Income ("SSI") benefits in the amount of \$914, together with her monthly stipend from the New Jersey Senior Community Service Employment Program ("SCSEP"), Petitioner has sufficient income to pay her rent, and as such, the Agency terminated Petitioner's EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 1-35, 37-39, and N.J.A.C. 10:90-6.1(a)(1), (c)(2). Petitioner's monthly rent is \$973. See



Exhibit R-1 at 36. While I agree with the ALJ, that Petitioner’s SCSEP stipend is exempt from being counted as income for purposes of Work First New Jersey (“WFNJ”) benefits eligibility, the same does not hold true for EA benefits eligibility. See Initial Decision at 2-3; see also Exhibits OAC-1, R-1 at 43, R-2, and N.J.A.C. 10:90-3.19(a), -3.19(a)(13)(ix)(9). Specifically, EA regulatory authority clearly states that “the agency must evaluate all potential contributions of support to the household” when determining EA benefits eligibility, which in this case would include Petitioner’s SCSEP income. See N.J.A.C. 10:90-6.1(c)(2); see also N.J.A.C. 10:90-3.19(a). As stated above, unlike WFNJ, where there are regulatory income exemptions for eligibility purposes, there exists no regulatory income exemptions for purposes of EA benefits eligibility. Ibid. As such, I agree with the Agency that Petitioner’s total household income is sufficient to pay her rent, and accordingly, I conclude that the Agency’s termination of Petitioner’s EA benefits was proper and must stand. See Exhibit R-1 at 37-38; see also N.J.A.C. 10:90-6.1(a)(1). The Initial Decision is modified to reflect this finding.

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 MODIFIED, and the Agency’s determination is AFFIRMED, as outlined above.

Officially approved final version.      October 5, 2023

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Natasha Johnson  
Assistant Commissioner

