



## State of New Jersey

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*Governor*

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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 **01914-23 G.C.**

AGENCY DKT. NO. **C755795007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's delay in processing her Work First New Jersey/ General Assistance ("WFNJ/GA") benefits application, and its denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for back rent and prospective rent. The Agency denied EA benefits to Petitioner, contending that she had the capacity to avoid her emergent situation and that her rent was over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 30, 2023, but was adjourned to April 12, 2023. On that date, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner's counsel the opportunity to pursue a potential resolution with her landlord, and the record then closed on April 20, 2023.

On April 27, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the only WFNJ/GA benefits issue before the court was whether Petitioner was due a retroactive WFNJ/GA benefits payment at the unemployable rate of \$277 for the partial month of October 2022, from the date of her October 5, 2022, application. See Initial Decision at 3; see also N.J.A.C. 10:90-2.9(a)(2), -3.6(a), and Division of Family Development Instruction ("DFDI") No. 19-21. The ALJ found that Petitioner had not provided the Agency with a MED-1 form indicating a 12-month disability until February 25, 2023, and as such, found that the Agency was correct in determining that she was not entitled to the unemployable WFNJ/GA benefits rate retroactive to the date of her application. See Initial Decision at 2, 4; see also Exhibits P-1 at 4, R-1 at 31, and N.J.A.C. 10:90-2.9(a)(1), (2), -3.5(b). Nevertheless, taking into consideration its delay in processing Petitioner's WFNJ/GA benefits application, the ALJ found that the Agency had generously provided Petitioner with WFNJ/GA benefits at the unemployable rate of \$277 retroactive to November 1, 2022. See Initial Decision at 3-4.

Further, the ALJ found that Petitioner had no means and no plan to pay for her apartment at the time she renewed her lease, and currently owed nine months of back rent. See Initial Decision at 3-4; see also Exhibit R-1 at 18-20, and N.J.A.C. 10:90-6.3(a)(5)(i). Regardless, the ALJ found that Petitioner's rent was above the FMR for Essex County, and as such, she was ineligible for EA/TRA benefits. See Initial Decision at 3-4; see also Exhibit R-1 at 18, and N.J.A.C. 10:90-6.3(a)(7)(i)(1), and DFD Informational



Transmittal No. 22-13. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 4. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.

June 08, 2023

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Natasha Johnson

Assistant Commissioner

