



## 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 **05298-23 K.L.**

AGENCY DKT. NO. **C141298003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits in the form of Temporary Rental Assistance ("TRA"), contending that Petitioner had a realistic capacity to plan, and that her rental property is over the Fair Market Rent ("FMR") for the appropriate size rental for Petitioner's assistance unit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 22, 2023, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 23, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Thereafter, on June 26, 2023, the ALJ issued an Amended Initial Decision, also affirming the Agency's determination, but removing an irrelevant paragraph that had inadvertently been included in the previously issued Initial Decision. Here, the record reflects that the Agency denied Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, EA/TRA benefits because she is residing in a two-bedroom apartment at a cost of \$1,307 per month, which is over the FMR of \$1,218 for a one-bedroom rental in Burlington County, allowable for an assistance unit of one person, such as Petitioner. See Initial Decision at 3, 4, 6; see also Exhibit R-6, N.J.A.C. 10:90-6.3(a)(7)(i)(1), and Division of Family Development Informational Transmittal ("DFD IT") No. 22-13. The record further shows that Petitioner's two children previously resided with Petitioner, but were removed from the household in the summer of 2022 by the Division of Child Protection and Permanency ("DCP&P"), that the children have not resided with her since that time, and that there is no date for reunification. See Initial Decision at 2, 5. While the ALJ in this matter concluded that the Agency had not proven that Petitioner had a realistic capacity to plan when she had not complied with her DCP&P and Agency EA Service Plans, the ALJ nonetheless found that, given the facts and circumstances presented, the appropriate rental size for Petitioner's assistance unit was a one-bedroom rental. See Initial Decision at 8. Based on the foregoing, the ALJ found that Petitioner's two-bedroom rental exceeds the allowable FMR for a one-bedroom rental property and that no approval to exceed that amount had been authorized, and as such, the ALJ concluded that Petitioner is ineligible for EA/TRA benefits, and that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 8; see also Exhibit R-4. I agree. Additionally, I also find that "the Division" referenced in paragraph



18 of Exhibit P-1, is the Division of Child Protection and Permanency, DCP&P, and not the Division of Family Development. See Exhibit P-1 at 1.

Exceptions to the Initial Decision were received from the Agency on June 26, 2023.

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.

By way of comment, the Agency shall forward a copy of the Initial and Final Decisions in this matter to the appropriate case worker at DCP&P.

By way of further comment, in its Exceptions, the Agency takes issue with a paragraph included in the "order" section of the June 23, 2023, Initial Decision. However, as stated above, the ALJ issued an Amended Initial Decision on June 26, 2023, removing that same paragraph from the originally issued Initial Decision. With that paragraph removed from the Initial Decision, the exception taken by the Agency is now the moot.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. July 6, 2023

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Natasha Johnson  
Assistant Commissioner

