



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 **05612-23 N.S.**

AGENCY DKT. NO. **C316870007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's failure to pay its portion of Petitioner's June 2023 rent. The Agency did not pay its portion of Petitioner's rent contending that he had failed to provide proof that his portion of the rent had first been paid, in violation of his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Thereafter, additional documents were submitted, and the record then closed on June 29, 2023. On June 30, 2023, 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 ("DFD"), 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.

Here, based on an independent review of the record, I find that on December 1, 2022, Petitioner, a Supplemental Security Income ("SSI") benefits recipient, executed an SP, wherein he agreed, among other things, to pay a portion (30 percent) of his household income toward the payment of his monthly housing costs, in the amount of \$290. See Initial Decision at 3, 5-6; see also Exhibit R-4, and N.J.A.C. 10:90-6.5(a), -6.6(a). However, I also find that there is no language in that SP which requires Petitioner to first provide the Agency with proof that he had paid his portion of the monthly rent before it would pay its portion, as found by the ALJ. See Initial Decision at 7-8; see also Exhibit R-4. Nevertheless, the record reflects, and Petitioner admitted, that he had failed to pay his portion of the June 2023, rent as required pursuant to his SP, claiming however, that he did not have his portion of the June rent in hand because the Agency had not yet paid its portion of the June rent. See Initial Decision at 5. The ALJ found Petitioner's claim to be without merit, as he is required under his SP, and also in accordance with applicable regulatory authority, to allocate 30% of his monthly household income, or \$290, towards his rental payment. *Id.* at 6; see also N.J.A.C. 10:90-6.5(a). Based on the foregoing, I concur with the ALJ's ultimate conclusion affirming the Agency's action. *Id.* at 7-8. Further, I concur with the ALJ's



order directing that Petitioner shall immediately pay his \$290 portion of the June 2023, rent, that he shall immediately provide proof of payment to the Agency, and that upon receipt of such proof, the Agency shall pay its portion of the June 2023, rent. Id. at 8. Additionally, I direct that the Agency revise Petitioner's December 1, 2022, SP, if it has not already done so, to include its required directive that he must provide proof of payment of his portion of the rent before the Agency is obligated to pay its portion. The Initial Decision is modified to reflect these findings.

Finally, I agree with the ALJ that the Agency is in compliance May 16, 2023, Order of this office, resulting from Petitioner's prior fair hearing, and that the Agency shall provide Petitioner with EA benefits under the Emergency Assistance for Special Groups ("EASG") pilot, so long as Petitioner remains in compliance with his SP. See Initial Decision at 6, 8; see also Exhibit R-2 at 3, and N.J.S.A. 44:10-51(a) (3), also known as EASG, extending EA benefits eligibility for certain categories of individuals, including, but not limited to SSI benefits recipients. See DFD Instruction ("DFDI") No. 19-02-01. Of note, EASG expands the EA benefits time limits beyond those set out in N.J.A.C. 10:90-6.4(a),(b).

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

Officially approved final version. July 12, 2023

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Natasha Johnson  
Assistant Commissioner

