



State of New Jersey

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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 **08399-22 R.R.**

AGENCY DKT. NO. **C352129007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 27, 2022, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 17, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found that Petitioner had exhausted her lifetime limit of EA benefits, and that in May 2022, she reapplied for an extension of EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a), (b), and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"). The Agency denied Petitioner's reapplication for said extension, claiming that Petitioner had sufficient income to pay her rent from a lump sum Supplemental Security Income ("SSI") payment, a lump sum Retirement, Survivors, and Disability Insurance ("RSDI") payment, as well as monthly SSI and RSDI payments, but she had failed to do so. See Initial Decision at 2-3; see also Exhibits R-4, R-5. The ALJ found, and Petitioner acknowledged, that between July 2019, and May 2022, Petitioner received SSI benefits in an amount ranging from \$965 a month to \$1,061 per month, received an SSI lump sum payment of \$13,235.27 on



July, 7, 2022, received an RSDI lump sum payment of \$20,794.58 in May 2022, and began receiving monthly RSDI benefits. See Initial Decision at 2. Petitioner's rent is \$1,300 per month. See Initial Decision at 2-3; see also Exhibit R-3. The ALJ also found that, although Petitioner had sufficient income to pay her rent, she had failed to do so, and at the time of the hearing owed nine months of back rent in the amount of \$11,700. See Initial Decision at 5; see also Exhibit R-5. 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-4, and N.J.A.C. 10:90-6.1(c)(3)(v). I agree. Also, although not a transmitted issue, the ALJ found that Petitioner was ineligible for Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits due to her receipt of SSI and RSDI benefits. Ibid.; see also Exhibit R-4, and N.J.A.C. 10:90-3.1(a), (c), -3.2(b), -3.3(b). I also agree.

By way of comment, the transmittal in this matter indicates a contested issue regarding a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a reduction of SNAP benefits, she may request another fair hearing on that issue alone.

Also 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, as outlined above.

Officially approved final version. March 9, 2023

Natasha Johnson
Assistant Commissioner

