



## 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 11615-22 S.S.

AGENCY DKT. NO. C028536005 (CAPE MAY 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 was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI"), benefits recipient, and therefore ineligible for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 19, 2023, but was adjourned to allow Petitioner the opportunity to retain counsel. The matter was rescheduled, and on January 30, 2023, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Petitioner appeared without counsel. The record remained open for the submission of additional information from Petitioner and then closed on February 8, 2023.

On February 16, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, as of January 1, 2023, Petitioner's SSI benefits had been terminated as a result of her receipt of Retirement, Survivors, and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibits P-4, R-1 at 17-18. Therefore, as Petitioner was no longer an SSI benefits recipient, she was no longer eligible of EA benefits, and consequently, the Agency terminated Petitioner's EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 9-13, and N.J.A.C. 10:90-6.2(a). Although Petitioner is appealing the termination of her SSI benefits, having filed a "Request for Reconsideration" on January 17, 2023, the ALJ found that, in accordance with Social Security Administration directives, Petitioner does not qualify as an SSI benefits recipient while she pursues her appeal. See Initial Decision at 3-4; see also Exhibit P-1. Based on the foregoing and applicable EA benefits regulation, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 9-13, and N.J.A.C. 10:90-6.2(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 21, 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 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.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. April 4, 2023

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Natasha Johnson  
Assistant Commissioner

