



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 18115-15 D.J.

AGENCY DKT. NO. C085664 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of security deposit and storage costs. The Agency denied Petitioner EA benefits because it determined that she had sufficient household income to pay her expenses. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2015, the Honorable Leland S. McGee, held a plenary hearing, took testimony, and admitted documents. On December 23, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 31, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey ("WFNJ")] or [Supplemental Security Income ("SSI")] assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses"

Here, the record shows that Petitioner's assistance unit ("AU") receives the following monthly benefits and income: \$322 in WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits; \$500 in disability insurance benefits; and approximately \$3,334 (\$19.25 per hour at 40 hours per week x 4.33) in earned income. See Initial decision at 2; see also Exhibits P-1, P-2, R-1 and N.J.A.C. 10:90-3.11(c). The record also shows Petitioner applied for EA benefits in the form of security deposit and storage costs, totaling \$2,843. See Initial Decision at 3. The ALJ found that the Agency failed to properly determine Petitioner's EA eligibility, when it could not explain its inconsistent record. *Id.* at 2 and 3; see also Exhibits P-3, P-4, P-5, and R-1. Accordingly, the ALJ concluded that the Agency improperly denied Petitioner EA benefits. See Initial Decision at 3.

Based on an independent review of the record, I find that the record supports the Agency's denial in this matter. Specifically, the record shows that Petitioner's total recorded monthly income of approximately \$4,156 (\$322+\$500+\$3,334), is clearly sufficient to pay Petitioner's expenses (\$2,843). See Initial Decision at 2 and 3; see also Exhibits P-1, P-2, and R-1. Moreover, Petitioner was living rent free at the time of her application for EA benefits. See Exceptions at 1. Therefore, based on the foregoing, I find that the Agency properly denied Petitioner EA benefits. See N.J.A.C. 10:90-6.1(a)(1).

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

Signed Copy on File

at DFD, BARA

JAN 26 2016

Natasha Johnson
Director