



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

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*Lt. Governor*

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*Director*

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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 961-16 T.B.

AGENCY DKT. NO. V848113 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits contending that she had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2016, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 22, 2016, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner is a Work First New Jersey Temporary Assistance for Needy Families recipient and Supplemental Security Income ("SSI") recipient, who has received two months of EA in the distant past. See Initial Decision at 2; see also Exhibit at 33-39. Additionally, the record shows that Petitioner's father was designated payee for her SSI benefits, and was responsible for paying her rent directly to her landlord. The ALJ found that although the record indicates that Petitioner had sufficient income to pay her rent, the record also shows that when her father became ill with lung and brain cancer, he failed to pay her November and December 2015 rent, and spent her SSI money on himself. See Initial at 3; see also Exhibit R-1 at 25. The record also shows that Petitioner's monthly rent was paid timely for two years, prior to her father's illness. Additionally, the record shows that Petitioner's rent of \$865 per month is affordable, based on the income of her assistance unit, and once Petitioner acquires a new SSI designated payee, she will again be able to pay her rent. See Initial Decision at 3-4.

Based on the foregoing, the ALJ reversed the Agency's denial of EA benefits, and ordered the Agency to provide Petitioner with her past due rent for the months of November and December 2015, and to provide her with one additional month of rent, which would allow her time to establish another SSI designated payee. I agree.

Exceptions to the Initial Decision were filed by the Agency on January 25, 2016.

As the Director of the 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 in this matter.

By way of comment, the Agency is directed to follow-up with Petitioner regarding the establishment of another SSI designated payee, and to assist her in her efforts if needed.

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

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

**JAN 26 2016**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director