



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 04460-18 L.G.

AGENCY DKT. NO. C165646009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she has sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 10, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available when shelter costs equal or exceed total recorded income to the WFNJ or Supplemental Security Income ("SSI") assistance unit ("AU") 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 reflects that Petitioner's monthly AU income is \$1,033, and her monthly rent is \$950, plus utilities, leaving Petitioner \$83 after her rent payment. See Initial Decision at 2; see also Exhibit R-1 at 10. The Agency determined that Petitioner had sufficient income to meet her shelter and daily living costs, and as such, that she was ineligible for EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2. However, it appears from the record that Petitioner's housing costs also include the payment of utilities, the payment of which will surely result in her housing costs exceeding her monthly income. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(a)(1). Further, the ALJ found Petitioner credible when she testified that employment is imminent. *Ibid.* Based on the foregoing, I concur with the ALJ's conclusion that Petitioner is eligible for continued EA benefits. *Id.* at 3-4; see also N.J.A.C. 10:90-6.4. However, I respectfully disagree with the ALJ's conclusion that Petitioner is eligible for a three-month extension of EA benefits. See Initial Decision at 4. Rather, I find that Petitioner is eligible



for continued EA benefits, provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1 et. seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

JUN 05 2010

Natasha Johnson

Director

