



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Acting Commissioner

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Lt. Governor

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 03809-21 E.S.

AGENCY DKT. NO. S630118012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

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 housing expenses, and that she had failed to demonstrate that her available funds were exhausted on necessary and/or appropriate items for decent living. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 4, 2021, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner the opportunity to submit additional documentation. No such documentation was forthcoming, and the record then closed on July 19, 2021. On July 22, 2021, 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.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), in order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to his/her assistance unit.

N.J.A.C. 10:90-6.1(c)(1)(ii) provides that an individual may qualify for EA benefits when the assistance unit shows that "available funds . . . were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living."

Here, the ALJ found that, at the time Petitioner applied for EA benefits, her monthly household income was comprised of her daughters' Supplemental Security Income ("SSI") benefits in the amount of \$825, and \$1,075 in self-reported self-employment income, totaling \$1,900. See Initial Decision at 3; see also Exhibits R-1, R-12. The ALJ further found, and the record substantiates, that Petitioner had income of \$18,854.01 for the months of November 2020, through March 2021. See Initial Decision at 2-4; see also



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Exhibits R-9, R-10. Petitioner's monthly rent is \$1,625, not including utilities. See Initial Decision at 3; see also Exhibits R-6 through R-8. The record also reflects that Petitioner owed back rent from October 2020, through the time of the EA benefits application, totaling \$8,099.76. See Initial Decision at 3; see also Exhibit R-5. Although Petitioner claimed that most of her income went to pay for her business expenses, she failed to provide documentation to substantiate that claim. See Initial Decision at 3-4; see also Exhibit R-11. Based on the foregoing, the ALJ concluded that Petitioner was ineligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-14, and N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(1)(ii). I agree.

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

Officially approved final version.

SEP 30 2021

Natasha Johnson

Assistant Commissioner

