



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **05659-22 T.W.**

AGENCY DKT. NO. **C308716007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay the security deposit, and that she had failed to provide documentation required to determine eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 3, 2022, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties additional time to submit documents. Petitioner submitted an additional document, and the record then closed on August 10, 2022. On August 16, 2022, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

First, I find that the Essex County Emergency Rental Assistance Program ("ERAP"), including its income requirements, is not applicable in the determination of EA benefits eligibility, as presented here in the Initial Decision, as it is not an EA benefits program, offered specifically for Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient in accordance N.J.A.C. 10:90-6.1 et seq. See Initial Decision at 2-4. Additionally, I find that the income eligibility requirements set forth in the WFNJ cash assistance regulations, found at N.J.A.C. 10:90-3.1, -3.9, and -3.10 do not apply in determining EA benefits eligibility, as presented here in the Initial Decision, because the household contains an SSI benefits recipient. See Initial Decision at 8-9; see also N.J.A.C. 10:90-6.2(a). Rather, I find that eligibility for EA benefits is determined pursuant to the EA regulations set forth at N.J.A.C. 10:90-6.1 et seq., wherein, among other things, documentation regarding household income is required. See N.J.A.C. 10:90-6.1(c)(2). Accordingly, this Final Agency Decision does not address the ALJ's discussion and findings regarding Petitioner's household income as it relates to



ERAP, the WFNJ cash assistance program, and EA benefits eligibility. See Initial Decision at 2-7. The Initial Decision is modified to reflect this finding.

However, I concur with the ALJ's findings and ultimate conclusion in this matter that Petitioner had failed to provide the Agency with sufficient documentation needed for it to determine Petitioner's EA benefits eligibility. See Initial Decision at 4-7, 9-10. Specifically, the ALJ found that Petitioner had failed to provide all necessary economic information required for such determination. Id. at 4-7; see also N.J.A.C. 10:90-6.1(c)(2). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner in this instance was proper and must stand. Id. at 9-10; see also Exhibit R-1 at 5-9. I agree.

No Exceptions to the Initial Decision were received.

By way of comment, Petitioner is advised that she may reapply for EA benefits, but is reminded that she must provide the Agency with all documentation required to determine eligibility for said benefits in accordance with N.J.A.C. 10:90-6.1 et seq.

By way of further 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.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

September 29, 2022

Natasha Johnson

Assistant Commissioner

