



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 17203-14 M.T.

AGENCY DKT. NO. C399136 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits based on excess income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2015, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 7, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision from Petitioner were received on January 9, 2015, which included a MED-1 form and Patient Prescription Record.

Additional Exceptions to the Initial Decision from Petitioner were received on January 12, 2015, which was comprised of a Warrant of Removal.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA, the recipient must demonstrate that her shelter costs equal or exceed the total income available to her assistance

unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

Based on a review of the record, Petitioner's two children receive, together, a total of \$1,528 per month and Petitioner receives \$332 per month in TANF benefits. Petitioner's rent is \$950 per month. See Initial Decision at 2. The record shows that Petitioner has sufficient and available funds to pay for her rent. Therefore, I find that the Agency correctly evaluated Petitioner's household income, including her two children's receipt of SSI, in determining her eligibility for EA benefits and properly denied Petitioner EA benefits because her household income exceeds her shelter costs. See N.J.A.C. 10:90-6.1(a)(1) and N.J.A.C. 10:90-6.1(c)(2). As such, I concur with the ALJ's conclusion in this matter.

By way of comment, Petitioner supplied a MED-1 form and a Warrant of Removal as part of her Exceptions. Notably, the Exceptions include documents not entered into evidence before the ALJ, in contravention of N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). Be that as it may, I have reviewed Petitioner's Exceptions, and I find that the documents therein do not alter my decision in this matter.

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

JAN 16 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director