



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 5997-15 T.D.

AGENCY DKT. NO. GA473789 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because Petitioner was determined to be ineligible for Work First New Jersey/General Assistance ("WFNJ/GA") due to receipt of Unemployment Insurance benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 30, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 1, 2015, the ALJ issued an Initial Decision reversing the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby REJECT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so the recipient can participate in work activities without disruption in order to continue on a path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). As part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. See N.J.A.C. 10:90-6.1(c)(2). Only WFNJ and Supplemental Security Income ("SSI") recipients are eligible to receive EA benefits. See N.J.A.C. 10:90-6.2(a).

The record in this matter indicates that on February 24, 2015, Petitioner applied for WFNJ/GA and EA benefits. See Initial Decision at 2. Based on the appearance of immediate need, the Agency issued an EA approval letter on March 5, 2015, advising that four months of back rent plus late fees would be paid to Petitioner's landlord. Ibid.; see also Exhibit P-1. As part of her application for WFNJ/GA benefits, Petitioner was also required to apply for UIB benefits and to complete the necessary 28-day work activity. See Initial Decision at 2. Thereafter, Petitioner provided the Agency with a March 13, 2015, notice from the State of New York granting Petitioner UIB as of March 2, 2015. See Exhibit R-1 at 1. Based upon Petitioner's receipt of UIB benefits, on April 22, 2015, the Agency denied Petitioner WFNJ/GA benefits, and furthermore, because Petitioner was found to be ineligible for WFNJ/GA benefits, the Agency found Petitioner was not eligible for EA benefits. See id. at 2-3; see also N.J.A.C. 10:90-6.2(a).

The ALJ in this matter found no basis to undo the March 5, 2015, EA approval even though Petitioner was ultimately found ineligible for WFNJ/GA. See Initial Decision at 4. The ALJ observed that the Agency's April 22, 2015, denial does not state that the March 5, 2015, approval was rescinded, nor does it even mention that prior approval. Ibid. The ALJ concluded that the March 5, 2015, written EA approval of back rent "presumably stopped the landlord from taking action to remove petitioner, and petitioner reasonably relied on the [Agency's] written approval." Ibid. On that basis, the ALJ reversed the Agency's April 22, 2015, denial of Petitioner's EA benefits. See Initial Decision at 5. I respectfully disagree with this conclusion.

I note that N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need ... subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In the present matter, I concur with the Agency that it correctly found Petitioner was ineligible for WFNJ/GA benefits based upon her receipt of UIB benefits, and Petitioner herself does not contest that denial. See Initial Decision at 3.

It is apparent from the record that at the time Petitioner applied for benefits in late February 2015, Petitioner appeared to be eligible for WFNJ/GA benefits, and it was on this basis that the Agency granted Petitioner immediate need on March 5, 2015. See Exhibit P-1 at 2. However, that earlier determination by the Agency was later found to be in error due to Petitioner's eligibility to receive UIB benefits, which thereby rendered her ineligible for WFNJ/GA, and consequently EA benefits. As such, I find that the issuance of the March 5, 2015, notice, advising Petitioner that she was approved for immediate need, constitutes administrative error and the Agency is not responsible for payment of any approved immediate need as a result the issuance of that notice. As WFNJ eligibility is required for receipt of EA benefits, and I find that the Agency properly denied Petitioner WFNJ/GA benefits, I further find that the Agency properly denied Petitioner EA benefits on April 22, 2015.

Accordingly, based upon the foregoing, I hereby REJECT the Initial Decision in this matter and AFFIRM the Agency determination.

MAY 21 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director