



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 19867-15 T.S.

AGENCY DKT. NO. GA594230 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because he was domiciled in another state. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 16, 2015, the Honorable John P Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 17, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination. The record shows that Petitioner was issued a New York State Identification Card on May 1, 2015, and voted in New York State as late as November 2015. See Initial Decision at 5; see also Exhibit R-2. Petitioner stated that he provided a utility bill and a copy of his lease, dated November 15, 2013, to the Agency as proof of his New Jersey residency on two separate occasions. See Initial Decision at 3; see also Exhibit P-2, P-3, and P-4. However, the ALJ concluded that based on the evidence presented, namely the affirmative act of renewing his New York State Identification Card in May of this year, Petitioner demonstrated no intention of remaining in New Jersey, "if indeed he ever intended to live in New Jersey." See Initial Decision at 4. As such, the ALJ determined that Petitioner was a domiciliary of New York, not New Jersey, and therefore not eligible for EA benefits. See *id.* at 5.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I concur with the ALJ's final conclusion and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, while not addressed by the ALJ in this matter, Petitioner also contested the delayed disposition of his application for Work First New Jersey/General Assistance ("WFNJ/GA") cash benefits. Based upon the foregoing discussion, that Petitioner is not a domiciliary of New Jersey, I also find that Petitioner is ineligible for WFNJ/GA benefits. See N.J.A.C. 10:90-2.1(b) and N.J.A.C. 10:90-2.11(b).

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

Signed Copy on File
at DFD, BARA

DEC 29 2015

Natasha Johnson
Director



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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 18756-15 L.S.

AGENCY DKT. NO. C226460 (PASSAIC COUNTY BOARD OF SOC. 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 exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 8, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 9, 2015.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 15, 2015, which were comprised of a Landlord/Tenant Summons, only.

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 REJECT the ALJ's Initial Decision and AFFIRM, ON OTHER GROUNDS, the Agency's determination.

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Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA shall be made available “[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey (“WFNJ”)] or [Supplemental Security Income (“SSI”)] assistance unit 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 shows that Petitioner is an SSI recipient, who has received 54 months of EA benefits. The record also shows that Petitioner received an SSI lump sum payment in July 2015, in the amount of \$2,199, and it appears from the record that she is to receive another lump sum payment in January 2016. See Initial Decision at 3; see also Exhibit R-2 at 2-3. Petitioner’s monthly rent is \$950, utilities not included. See Exhibit R-3. Therefore, I find that Petitioner had sufficient income to pay her rent, and that the Agency properly terminated her EA benefits on that basis. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(a)(1).

By way of comment, I have reviewed both the Agency’s and Petitioner’s Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is REJECTED and the Agency’s action is AFFIRMED on the grounds discussed above.

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at DFD, BARA

DEC 30 2015

Natasha Johnson
Director