



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 6351-15 T.S.

AGENCY DKT. NO. C115689 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he had sufficient funds to pay his housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for May 8, 2015, before the Honorable Gail Cookson, Administrative Law Judge, but was adjourned to May 15, 2015, to allow Petitioner additional time in which to produce documents showing where he spent his available funds. On May 15, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On May 18, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination. The ALJ found that when Petitioner applied for EA benefits on April 22, 2015, for payment of March and April 2015, past due rent, he had sufficient income to have paid that rent. See Initial Decision at 2-3, 4. Specifically, Petitioner's income included: a \$5,656 income tax refund, \$2,618 per month in family earned income, and \$424 per month in Work First New Jersey/Temporary Assistance for Needy Families benefits. *Id.* at 2-3. Petitioner's monthly rent is \$1,200. *Id.* at 2. Accordingly, the ALJ found that Petitioner was not eligible for EA benefits because he had the available funds to pay his March, April, and now, May 2015, rent, and had the capacity to prevent homelessness, but chose to use his substantial tax refund to pay other debts rather than to pay his rent. *Id.* at 4; see also N.J.A.C. 10:90-6.1(c)(3)(v). Moreover, at the time of the hearing Petitioner had not provided proof of an imminent eviction. *Ibid.*; see also N.J.A.C. 10:90-6.1(c).

No Exceptions to this Initial Decision were filed.

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

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

MAY 26 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director