



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 10822-14 W.H.

AGENCY DKT. NO. C070038 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") in the form of a security deposit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 3, 2014, the Honorable Mumtaz-Bari Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, admitted documents, and took testimony. The record was closed on September 3, 2014. On September 4, 2014 the ALJ issued her Initial Decision reversing the Agency determination.

No exceptions were filed to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

During the hearing the Agency representative testified that the Agency initially agreed to pay \$900 towards the total security deposit of \$1,300. Initial Decision at 3. However, the Agency subsequently agreed to provide the security deposit in full. Ibid. As such, the Agency is ordered to provide the full security deposit in the amount set forth in Petitioner's lease agreement.

The record further demonstrates that the Petitioner's household consists of her, her 15 year old daughter, and her husband D.H. It appears from the record that D.H.

started part-time employment on August 5, 2014. See Employment Letter. He works 20 hours per week and earns \$8.25 per hour. Ibid. As such, I agree with the ALJ that the Agency shall evaluate the Petitioner for an additional month of EA in the form of Temporary Rental Assistance and EA in the form of furniture vouchers. The Agency is reminded to consider all income available to the household, including the income D.H. earns from his employment, as well as Petitioner's Supplemental Security Income ("SSI") and Social Security Disability Insurance income, see N.J.A.C. 10:90-6.1(c)(2), and whether the shelter costs equal or exceed the total income available to the assistance unit, N.J.A.C. 10:90-6.1(a)(1).

Finally, I note that the transmittal sheet indicates that the Petitioner also contested the denial of a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") application. However, there is nothing on the record or the Initial Decision that indicates that the Petitioner applied for, and was denied, WFNJ/TANF benefits. The documentation in the transmitted file does indicate, however, that Petitioner's husband also applied for EA benefits on August 27, 2014, and was denied because he was neither a WFNJ/TANF nor SSI recipient and thus ineligible for EA. N.J.A.C. 10:90-6.2.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency action denying the Petitioner's request for a security deposit is REVERSED.

SEP 16 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director