



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 13179-14 W.M.

AGENCY DKT. NO. V508730 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his request for continued Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request for further EA benefits because it concluded that Petitioner's income was sufficient to pay his rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 13, 2014, the ALJ issued his Initial Decision affirming the Agency's determination. Following a review of Petitioner's monthly incoming Supplemental Security Income ("SSI") against Petitioner's monthly expenses, the ALJ agreed with the Agency that Petitioner had sufficient funds available to pay his rent. See Initial Decision at 2-3.

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 for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the 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 his shelter costs equal or exceed the total income available to his 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). Moreover, Supplemental Security Income ("SSI") status does not automatically qualify an applicant for EA benefits, nor is EA eligibility criteria different for Work First New Jersey and SSI individuals. An SSI applicant must still meet the criteria for EA benefits as set out at N.J.A.C. 10:90-6.1, including an evaluation of all support available to the household and whether the individual's income exceeds his shelter costs. See N.J.A.C. 10:90-6.1(a)(1) and -6.1(c)(2). Finally, it is important to note that EA benefits are not infinite in duration for any recipient.

I concur with the ALJ's decision in this matter that Petitioner has sufficient monthly funds to pay his rent at this time. I note that Petitioner may qualify for additional EA benefits in the future if he can provide documentary support showing his rent and other necessary expenses exceed his monthly income. See N.J.A.C. 10:90-6.1(c)(1)(ii) (providing that an individual may qualify for EA when the assistance unit shows that "available funds . . . were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living"). As such Petitioner is without prejudice to reapply for EA benefits should his circumstances change.

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

Signed Copy on File
at DFD, BARA

JAN - 2 2015

Jeanette Page-Hawkins
Director