



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 12280-18 S.D.

AGENCY DKT. NO. C477358007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and REVERSE the Agency's determination.

Here, the record reflects that Petitioner had earned income from employment until she was injured at home on July 30, 2018, and was then unable to work. See Initial Decision at 2, 4; see also Exhibit P-1. Petitioner's only household income was from her disabled adult son's monthly Supplemental Security Income ("SSI") benefits in the amount of \$781. See Initial Decision at 2; see also Exhibit R-2. Petitioner's monthly rent is \$1,150. See Exhibit R-2. The record reflects that Petitioner is expected to return to work by September 16, 2018, and Petitioner testified that she expects to return to work full-time, at which time she will be able to afford her rent going forward. See Initial Decision at 3; see also Exhibit P-1. As a result of Petitioner's inability to work, she was unable to pay a portion of her July rent, or the full rental amount for August and September, and her landlord filed for eviction. See Initial Decision at 2, 4; see also Exhibit P-2. Petitioner then applied for EA benefits in the form of back rent only, but the Agency denied Petitioner said benefits contending that she had sufficient income to pay her rent. See Initial Decision at 3; see also Exhibits R-1, R-2, R-3, and N.J.A.C. 10:90-6.1(a)(1), (c).

However, the ALJ found that the Agency improperly calculated Petitioner's available income, relying upon earnings from April and May 2018, which were higher than her earnings for June and July 2018. See Initial Decision at 4; see also Exhibits P-3, P-4. Moreover, Petitioner testified that the Agency did not have her June and July 2018, income statements, and was relying on her April and May 2018, income. See Initial Decision at 3; see also Exhibits P-3, P-4. It also appears that the Agency did not take into account Petitioner's inability to pay her rent through September 2018. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(6). I agree. Of note, as it appears from the record that Petitioner is not a Work First New Jersey or SSI benefits recipient, EA benefits are being approved based on her son's status as an SSI benefits recipient. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C.



10:90-6.2(a). Further, I direct the Agency to pay Petitioner's rent in an amount sufficient to bring her current through September, only.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

Natasha Johnson
Director

SEP 06 2018

