



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **16996-24 M.C.**

AGENCY DKT. NO. **S615718012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") and back rent, and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she was seeking more than three-months back rent and that she had sufficient income to pay her rent, but failed to do so, thereby causing her own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 9, 2024, but was adjourned at the request of Petitioner, and consented to by the Agency, to allow her the opportunity to provide additional documentation. On December 12, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 13, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the ALJ found, and the record substantiates, that Petitioner had sufficient income to pay her rent for the months of October 2023, through November 2024, but failed to do so, paying far less each month towards her rent, than what was owed. *Id.* at 2-4, 6; see also Exhibits P-1, P-2, P-3, P-5, P-6, R-5, R-6, R-7. Petitioner is also receiving monthly Supplemental Nutrition Assistance Program ("SNAP") amount of \$292, and is receiving utility payment assistance. See Initial Decision at 3; see also Exhibits R-5, R-6. Additionally, the ALJ found that Petitioner owed more than three months of past due rent, and regulatory authority only allows for the payment of more than three-months back rent when extraordinary circumstances are proven, which the ALJ had not found in this matter. See Initial Decision at 6; see also Exhibit P-4, and N.J.A.C. 10:90-6.3(a)(5)(i). Further, ALJ found that Petitioner had not sufficiently demonstrated that her available funds were exhausted on items deemed appropriate, necessary or reasonable, required to determine EA benefits eligibility when sufficient income is found. See Initial Decision at 3; see also Exhibit P-4, and N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ concluded that Petitioner had caused her own emergent situation, and as such, further concluded that the Agency's denial of EA/TRA benefits to Petitioner, and the imposition of a six-month EA ineligibility were proper and must stand. See Initial Decision at 7; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.



By way of comment, the record also reflects that the Agency issued Petitioner a second denial notice, specifically, for an extension of EA benefits pursuant to the Emergency Assistance for Special Groups ("EASG") program, on the same regulatory bases. See Exhibit R-9. As the ALJ found Petitioner otherwise ineligible for EA benefits, the second denial notice under EASG was not specifically addressed in the Initial Decision, nor is it addressed in this Final Agency Decision. See Initial Decision at 4; see also Exhibits R-4, R-9, N.J.S.A. 44:10-51(a)(3), and DFD Instruction 24-03-01.

By way of further comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from October 1, 2024, through April 1, 2025. See Exhibit R-8.

Also, by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version. December 24, 2024

Natasha Johnson
Assistant Commissioner

