



## State of New Jersey

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*Governor*

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

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 **00484-24 M.W.**

AGENCY DKT. NO. **S579325012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's calculation of Petitioner's contribution to her shelter costs as part of her Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 20, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 2, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Here, Petitioner applied for and received EA benefits and entered into an EA Service Plan ("SP") on June 15, 2023, which stated that Petitioner's "Total Available Income" consisted of \$1,159.25, of which \$214.00 was Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and \$945.25 was Supplemental Security Income ("SSI"). See Initial Decision at 2; see also Exhibit R-4. Petitioner contends that the SSI benefits are paid to her minor child. See Initial Decision at 3. The terms of the SP included the requirement that Petitioner must contribute 30 percent of her total household income towards the cost of housing. See Initial Decision at 3; see also Exhibit R-4. Petitioner entered into a second SP on August 31, 2023, and again agreed to contribute 30 percent of her total household income towards the cost of her housing. *Ibid.* Petitioner was advised by the Agency in July 2023 and again in December 2023 that she was responsible for paying her contribution of 30 percent of her total household income towards housing. See Initial Decision at 3; see also Exhibits R-5, R-6.

The record reflects that Petitioner contends that her total household income should exclude the SSI payment to her minor child when calculating the required 30 percent contribution to be paid toward her housing. See Initial Decision at 3.

The ALJ found, however, that pursuant to N.J.A.C. 10:90-6.5, EA recipients, "including those receiving SSI, shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements..." and further, that the EA contribution shall be assessed "on the basis of all income available to the EA household." See Initial Decision at 4; see also N.J.A.C. 10:90-6.5(a)(1). The ALJ found that there is no exception or exclusion for household income of a minor child. See Initial Decision at 4. The ALJ additionally found that Petitioner had entered into SPs on June 15, 2023, and August 31, 2023, both of which acknowledged her obligation to contribute 30 percent of her total household income toward housing and included language that the income was inclusive of SSI benefits. See Initial Decision at 4; see also Exhibits R-3, R-4. The ALJ further found that the Agency mailed Notification Forms to Petitioner on July 13, 2023, and December 7, 2023, both advising Petitioner that she was responsible for paying a rental contribution of 30 percent of her total household income, inclusive of SSI benefits. See Initial Decision at 4; see also Exhibits R-5, R-6. Accordingly, the ALJ concluded that the Agency's calculation of Petitioner's contribution towards the cost of her housing, inclusive of her minor child's SSI, was proper and must stand. See Initial Decision at 4. I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

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

Officially approved final version. May 16, 2024

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Natasha Johnson  
Assistant Commissioner

