



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **09949-24 R.B.**

AGENCY DKT. NO. **C163793011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, in the form of Temporary Rental Assistance ("TRA"), contending that she did not provide proof that the additional person named on her lease was not a tenant of her apartment, and that she did not submit information regarding all potential financial contributions to her household, including those received by ineligible household members. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 29, 2024, the Honorable Kimberley M. Wilson, Administrative Law Judge, ("ALJ"), held a plenary hearing, took testimony, admitted documents and the record was held open for further submissions by the Agency. The Agency failed to submit the documentation requested by the ALJ, and the record then closed on July 30, 2024. On July 30, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that, on June 17, 2024, Petitioner applied for EA/TRA benefits as well as Work First New Jersey/ Temporary Assistance for Needy Families (WFNJ/TANF) benefits. See Initial Decision at 2; see also Exhibit R-1. During the application process, Petitioner presented a landlord tenant Verified Complaint against herself and another individual, A.T., dated June 7, 2024, which was seeking an eviction due to nonpayment of rent. See Initial Decision at 3; see also Exhibit R-2. The lease agreement for the apartment, which was originally entered into on December 31, 2020, also included A.T. as a tenant, and the initials A.T. appear at each place in the lease requiring tenant initials. See Initial Decision at 2; see also Exhibit R-4. Petitioner has continued to reside in the same apartment for several years, with the lease most recently being renewed January 1, 2024, for a month-to-month payment obligation. See Exhibit R-3. According to the information provided by the landlord, A.T. is referred to both as a tenant of the apartment, as well as a co-signor for the apartment. Ibid.

On July 3, 2024, the Agency sent Petitioner a Notification Form advising that her application for EA/TRA was pending review based upon A.T. providing payment proof for one-half of the back rent, and further requesting submission of the lease and a rent ledger, as well as proof approval for WFNJ benefits. See Initial Decision at 3; see also Exhibit P-1. On July 19, 2024, the Agency advised Petitioner that her EA/TRA application was denied as the Agency noted the eviction paperwork indicated A.T. as a tenant on the lease, that his occupancy at the address had been confirmed by the property



manager, and that Petitioner had failed to provide all potential income contribution information for her household. See Initial Decision at 6; see also Exhibit R-7.

At the hearing, A.T. presented a document (from 2021) and driver's license showing an alternative address, however, the lease for the alternative address is not in his name and he is listed as neither tenant, nor co-signor on the lease for that alternate address. See Initial Decision at 6; see also Exhibits P-1, P-2, and R-5. The Agency representative testified at the hearing that the matter of A.T.'s residency had been referred, on July 17, 2024, to the Agency's Fraud Department, but that as of the date of the hearing, and even following the hearing, after receiving direct instructions to submit documentation to the ALJ, the Agency neither performed nor presented any searches used to determine A.T.'s residence. See Initial Decision at 4-8. At the hearing, Petitioner testified that A.T., whom she characterized as a friend, was solely a co-signor for the lease but that she has always been financially responsible for paying her rent and that A.T. never was a tenant as the apartment was a one-bedroom and occupied by Petitioner and her minor child. See Initial Decision at 5.

When determining eligibility for EA/TRA, the Agency "shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance...to be provided." See N.J.A.C. 10:90-6.1(c)(2). Petitioner has the burden of proof, by a preponderance of the evidence, to show that the Agency improperly withheld EA/TRA benefits. See Initial Decision at 7-8. The ALJ here found that Petitioner had failed to meet her burden of proving that A.T. was not a tenant and did not provide sufficient evidence for the ALJ to determine that he does not reside with Petitioner. Ibid. Further, the ALJ found that Petitioner had failed to produce the information and documentation necessary to evaluate all potential sources of financial support for Petitioner. Ibid. 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.

By way of comment, the ALJ notes that Agency should have attempted to resolve the issue regarding A.T.'s residency and that no investigation was completed, which may have provided the ALJ with further information to consider, and may have impacted Petitioner's denial of EA/TRA. See Initial Decision at 7-8. I concur with this sentiment and direct the Agency to complete that investigation, as referenced at the hearing. Ibid. Should that investigation resolve the issue of A.T.'s residency in Petitioner's favor, the Agency is to expeditiously reevaluate Petitioner's EA application.

By way of further comment, Petitioner is without prejudice to apply for EA/TRA benefits but should be prepared with the proper information and documentation to satisfy the outstanding issues, with the Agency, regarding A.T.'s residency, as well sources of all financial support for her household.

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

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

Officially approved final version. August 08, 2024

Natasha Johnson
Assistant Commissioner

