



*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  
*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 04989-18 C.Z.

AGENCY DKT. NO. C132198013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that her apartment was not affordable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 18, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here the record reflects that Petitioner's monthly shelter costs are \$1,700 in monthly rent, plus \$293 in monthly utilities. See Initial Decision at 4; see also Exhibits R-9, R-10, R-17, R-34 through R-36. The ALJ found that at the time Petitioner applied for EA benefits, on March 19, 2018, her monthly household income was \$522 in Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 3; see also Exhibits R-1, R-23 through R-30. Although Petitioner testified that her current combined monthly income from employment and receipt of WFNJ/TANF benefits was \$3,500, that her health issues limited her capacity to earn an income, and that her boyfriend, with whom she resides, was soon to be employed, the ALJ found that Petitioner failed to provide any evidence to substantiate those claims. See Initial Decision at 4-6, 9; see also Exhibits R-29 through R-30. Based on the foregoing, and Petitioner's statement that she would not accept employment if that employment would require someone other than her boyfriend to watch her children, the ALJ found that Petitioner does not have the capacity to pay her rent going forward. See Initial Decision at 9. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 9-10; see also Exhibits R-41 through R-43, and N.J.A.C. 10:90-6.3(a)(5), (6). However, the ALJ noted that Petitioner is not prohibited from reapplying for EA benefits and providing proof of exigencies, such as medical issues that hamper her ability to work, or proof of new income. See Initial Decision at 9. I agree.

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 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.

JUN 06 2018

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Natasha Johnson

Director

