



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 **05951-19 S.F.**

AGENCY DKT. NO. **S612768012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had sufficient income to pay her housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 13, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was entitled to retroactive Supplemental Security Income ("SSI") benefits totaling \$10,240.25, and that Petitioner had begun receiving monthly SSI payments in the amount of \$802.25 beginning in May, 2019. See Exhibit R-1 at G, H. After the Agency had been paid \$1,698.00 directly from the Social Security Administration, as reimbursement for WFNJ benefits previously paid to Petitioner, she was owed \$8,542.25, \$5906.75 of which was paid to Petitioner in installments on April 4 and 19, 2019, with the balance to be paid to her at a later date. See Exhibit R-1 at G, I, M. The record also reflects that the Agency had found Petitioner housing with a monthly rent of \$700.00, and that Petitioner was advised to use her SSI monies to pay for said housing. See Initial Decision at 3. Petitioner never contacted the landlord regarding that housing. Ibid. Petitioner claimed that she had expended \$1,200.00 of the retroactive SSI monies on car repairs, and that she only had \$3,500.00 remaining. Ibid. Petitioner failed to provide documentation to show how the retroactive SSI monies had been spent down. Ibid. Based on the foregoing, the ALJ found that Petitioner's monthly SSI income of \$802.25 exceeds the \$700.00 cost of housing, that she had sufficient income to pay her housing costs, and that she had the capacity to plan to avoid her homelessness, but failed to do so. See Initial Decision at 4-5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 5; see also Exhibit R-1 at L, and N.J.A.C. 10:90-6.1(a)(1), (c)(3). 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.



By way of comment, because I agree with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(3). Further, because Petitioner has been receiving continued assistance pending the outcome of this fair hearing, her EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. However, at the time of the hearing, the ALJ found that Petitioner was no longer contesting that determination. See Initial Decision at 2. Therefore, I find that Petitioner's WFNJ/GA issue is now moot, and therefore, is not addressed in this Final Decision.

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

Officially approved final version.

JUN 26 2019

Natasha Johnson

Director

