



## State of New Jersey

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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 16551-19 A.J.

AGENCY DKT. NO. C141315020 (UNION COUNTY DIVISION 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 his Supplemental Security Income ("SSI") benefits exceeded his housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional information, and the record then closed on December 23, 2019. On January 10, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on January 28, 2020.

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

In order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to the assistance unit. See N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA benefits eligibility, the Agency must evaluate all potential contributions of support to the household. See N.J.A.C. 10:90-6.1(c)(2).

Here, the record reflects, and Petitioner does not dispute, that his current monthly SSI benefits exceed his monthly rent. See Initial Decision at 3. Consequently, the Agency terminated Petitioner's EA benefits. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a)(1). Although Petitioner claimed that his SSI benefits did not count as income for purposes of EA benefits eligibility, the ALJ found that SSI benefits are exempt as countable income for purposes of Work First New Jersey/Temporary Assistance for Needy Families benefits eligibility, but not for purposes of EA benefits eligibility. See Initial Decision at 4; see also N.J.A.C. 10:90-3.19(a)(9), -6.1(c)(2). Based on the foregoing, I concur with the ALJ's conclusion that Petitioner is ineligible for EA benefits, and accordingly find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-5; see also Exhibit R-1.



However, in the Initial Decision, the ALJ also addressed a denial of EA benefits to Petitioner on the basis that he had exhausted his 12-month lifetime limit of EA benefits. See Initial Decision at 2-5. Based upon an independent review of the record, I find that such denial was not a transmitted issue in this case, nor does the adverse action notice in the record for this matter deny EA benefits to Petitioner on that basis. See Exhibit R-1. Therefore, that issue is not addressed in this Final Agency Decision. The Initial Decision is modified to reflect this finding.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

FEB 20 2020

