



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 00622-20 D.C.

AGENCY DKT. NO. C053904018 (SOMERSET COUNTY BOARD 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, and that he failed to report lump-sum SSI benefits he had received. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 4, 2020, the Honorable Sarah G. Crowley, 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 February 5, 2020. On February 25, 2020, 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 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.

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 that Petitioner received lump-sum SSI benefits in June 2019, began receiving monthly SSI benefits in July 2019, and had failed to advise the Agency of his receipt of those benefits. See Initial Decision at 2; see also Exhibits P-1, R-1 at 1. The Agency learned of Petitioner's receipt of these SSI benefits in December 2019, and by notice dated December 26, 2019, it terminated Petitioner's EA benefits, effective February 1, 2020, on the basis that Petitioner's income exceeded his housing costs, and that he had failed to report his SSI benefits income, as well as the lump-sum SSI benefits, to the Agency. See Exhibit R-1 at 2-5, 12, and N.J.A.C. 10:90-6.1. Based on the testimonial and documentary evidence presented at the hearing, I concur with the ALJ's conclusion that Petitioner had received monthly SSI benefits, and lump-sum SSI payments in 2019, that such income exceeded



his housing costs thereby making him ineligible for EA benefits, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 2-3; see also Exhibits P-1, R-1 at 2-5, and N.J.A.C. 10:90-6.1(a)(1), (c)(2).

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

Officially approved final version.

SEP - 8 2020

Natasha Johnson

Assistant Commissioner

