



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 02519-20 F.P.

AGENCY DKT. NO. **S566321012 (MIDDLESEX COUNTY BD. OF SOC. SVCS )**

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 25, 2020, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.

Only WFNJ benefits recipients, including those determined eligible for WFNJ benefits based upon immediate need, and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner is not a WFNJ or SSI benefits recipient. See Initial Decision at 3. Based on Petitioner's household income, the ALJ found, and Petitioner acknowledged, that she is not eligible for WFNJ benefits. *Id.* at 2, 5; see also Exhibits R-3 at 2, R-5. The record also reflects that Petitioner does not challenge that she is not an SSI benefits recipient. See Initial Decision at 5; see also Exhibit R-5. Petitioner contended that she was eligible for EA benefits because she had recently been a victim of domestic violence ("DV"). See Initial Decision at 3-4. However, the ALJ found Petitioner's testimony regarding a recent incidence of DV to be inconsistent and not credible. *Id.* at 4-5. Moreover, I find that there is no applicable regulatory authority that allows for the provision of EA benefits on the basis of an individual's DV status, alone. Further, the issue appealed here was the same issue previously heard and decided under OAL Docket Number HPW 16946-19, wherein ALJ Tricia M. Caliguire concluded that Petitioner was ineligible for EA benefits because she was not a WFNJ or SSI benefits recipient, and by Final Agency Decision issued on December 12, 2019, DFD adopted that conclusion. See Initial Decision at 2-4; see also Exhibit R-8. Petitioner did not appeal



DFD's Final Agency Decision. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's January 24, 2020, denial of EA benefits to Petitioner was proper and must stand. Id. at 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.2(a). I agree.

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

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

Officially approved final version.

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Natasha Johnson

Assistant Commissioner

MAR - 3 2020

