



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **04948-20 M.G.**

AGENCY DKT. NO. **S465363014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she was able to pay her own housing costs, and that 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 for a hearing. On July 16, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 11, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA benefits shall be made available "[w]hen shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit . . . ."

Here, the ALJ found, and Petitioner acknowledged, that her income from Retirement, Survivors, and Disability Insurance ("RSDI") is \$1,995 a month and that her monthly rent is \$781. See Initial Decision at 2; see also Exhibit R-3. Further, the ALJ found, and Petitioner acknowledged that, based on her RSDI income, she is now able to afford to pay for her apartment without EA benefits assistance. Ibid. The record also indicates that the Agency had agreed to provide Petitioner with EA benefits through July 2020. See Initial Decision at 2-3; see also Exhibit R-1, and DFD Instruction 20-07-03. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits and that the Agency's termination of Petitioner's EA benefits, effective August 1, 2020, was proper and must stand. See Initial Decision at 3; see also Exhibit R-2. In accordance with N.J.A.C. 10:90-6.1(a)(1), I agree with the ALJ's conclusion, as Petitioner's income clearly exceeds her shelter costs. See Initial Decision at 2-3. The Initial Decision is modified to include this regulatory authority.



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

Officially approved final version.

AUG 27 2020

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Natasha Johnson

Assistant Commissioner

