



## 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 08049-20 T.B.

AGENCY DKT. NO. C105888015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits due to excess income from receipt of Unemployment Insurance Benefits ("UIB"), and denied Petitioner EA benefits, contending that his homelessness was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 3, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 4, 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, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

On WFNJ and Supplemental Security Income ("SSI") benefit recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

The Initial Decision in this matter reflects that Petitioner withdrew his request for a fair hearing on the issue of the denial of WFNJ/GA benefits, and said withdrawal was placed on the record. See Initial Decision at 2 n.2. Therefore, the issue of a denial of WFNJ/GA benefits is now moot and not addressed in the Final Decision. Furthermore, as the record is devoid of any indication that Petitioner receives SSI benefits, and as Petitioner is not a WFNJ/GA, nor an SSI, benefits recipient, I find that, in accordance with applicable regulatory authority, Petitioner is ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Based on the foregoing, I also find that it is unnecessary to address whether or not Petitioner's emergency was not due to circumstances beyond his control. The Initial Decision and the Agency determination are both modified to reflect these findings.

By way of comment, should Petitioner's circumstances change, he is without prejudice to reapply for WFNJ/GA and EA benefits.



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

Officially approved final version.

SEP 10 2020

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Natasha Johnson

Assistant Commissioner

