



## State of New Jersey

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*Governor*

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF FAMILY DEVELOPMENT**  
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*Lt. Governor*

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 03115-20 W.R.

AGENCY DKT. NO. C000797005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he has sufficient income to pay his rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 26, 2020, but was adjourned due to the onset of the COVID-19 pandemic. On July 9, 2020, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 5, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner's monthly household income is \$1,628.50. See Initial Decision at 3, 7; see also Exhibit-R-1 at 22-32. Prior to this current denial, Petitioner had been receiving EA benefits in the form of a motel placement, when the Agency referred Petitioner to an outside organization which offered Petitioner the opportunity to be placed in a permanent housing program, and the program would pay security deposit and the first six months rent, but that he would have to withdraw from the EA benefits program. See Initial Decision at 3. An apartment was located with a total monthly rent of \$800, including utilities. Ibid. Petitioner was then informed that, after payment by the program of the six months rent, he and his spouse would be responsible for paying \$200 each toward the rent each month, totaling \$400. Ibid. Petitioner agreed to the foregoing, signed the lease, and voluntarily withdrew from the EA benefits program. Id. at 3, 7-8; see also Exhibit R-1 at 15-24. Shortly after having been initially accepted into the housing program, the outside organization advised Petitioner that he did not qualify for the program as he had sufficient income to pay the \$800 per month rent, and that he was responsible for such rental amount going forward. See Initial Decision at 3, 8. Upon learning of this, Petitioner applied for EA benefits to pay for the \$800 monthly rent. Ibid.; see also Exhibit R-1 at 11-14. However, the Agency denied EA benefits to Petitioner on the basis that he had sufficient household income to pay his monthly housing costs. See Initial Decision at 4; see also Exhibit R-1 at 8-10, and N.J.A.C. 10:90-6.1(a)(1), and Division of Family Development Instruction ("DFDI") 20-07-03.

Petitioner alleged that there was a conspiracy between the outside organization and the Agency to render him ineligible for EA benefits; claimed that he had purchased a car in reliance on his obligation to pay \$400 toward the monthly rent, and now had a car payment which made him unable to pay the \$800



monthly rent; and claimed that the car was a necessity due to his spouse's health issues. See Initial Decision at 4-6. The ALJ found that Petitioner had failed to produce any competent evidence that the outside organization and the Agency had conspired to have Petitioner withdraw from the EA benefits program, and that he had voluntarily withdrew from the EA benefits program. See Initial Decision at 7-8, 10. Of note, the ALJ advised Petitioner that any issues that he may have with the outside organization would have to be taken up in another legal forum. Id. at 12 n 3. With respect to Petitioner's claim that his car was a necessity, the ALJ also found that Petitioner's car was a luxury, and that Petitioner's apartment was located near a police station and public transportation, such that any of his spouse's health emergencies could be reasonably addressed. Id. at 7, 12. Further, the ALJ found that Petitioner had sufficient household income to pay the \$800, including utilities, monthly rent, and that he and his spouse had also received federal COVID-19 stimulus checks. See Initial Decision at 6, 11; see also Exhibit R-1 at 15-32. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 9-12; see also Exhibit R-1 at 8-10, and N.J.A.C. 10:90-6.1(a)(1). I agree.

Exceptions to the Initial Decision were filed by Petitioner on July 21, 2020, and July 28, 2020.

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.

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 ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

SEP - 3 2020

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Natasha Johnson  
Assistant Commissioner

