



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 **05035-25 C.G.**

AGENCY DKT. NO. **S593505009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had sufficient income to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 9, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 10, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 10, 2025.

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 **REJECT** 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 [Work First New Jersey] WFNJ or [Supplemental Security Income] SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses[.]"

An assistance unit ("AU") may qualify for EA benefits when the AU demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii); see also DFD Instruction ("DFDI") 11-03-07 at 2. Items deemed appropriate, include, but are not limited to, food, clothing, housing, attending the funeral of a family member, excessive unreimbursed medical expenses, or car payment or repairs. See N.J.A.C. 10:90-6.1(c)(1)(ii).

Here, using the month of January, 2025 for the income and expense calculations for Petitioner, the ALJ found, the record substantiates, and Petitioner acknowledged, that she has a household of four including herself and three minor children, and that her monthly rent is \$1,896, exclusive of utilities. See Initial Decision at 3. Petitioner is a disabled adult who receives Supplemental Security Income ("SSI") benefits of \$75.25 per month, Social Security Disability ("SSD") benefits of \$769.00 per month, child support income of \$693.28 per month, and SSI benefits on behalf of one of her minor children of \$998.25 per month, totaling \$2,536.78 of unearned income per month. *Ibid.*; see also Exhibit R-3. Petitioner pays monthly child support of \$160, which reduces her unearned monthly income to \$2,376.78. See Initial Decision at 3; see also Exhibit R-2. The Agency terminated Petitioner's EA benefits, contending that she had sufficient income to pay her rent.



See Initial Decision at 3; see also Exhibit R-1. Petitioner testified that she owes rent for the months of February, March, and April 2025, and that no eviction proceeding has been commenced by her landlord. See Initial Decision at 3.

The ALJ concluded that the Agency relied solely upon N.J.A.C. 10:90-6.1(a) as the authority to terminate Petitioner's EA benefits, which concerns the availability of emergency assistance, which the ALJ found was non-compliant with the requirements of N.J.A.C. 10:90-9.1(a)(1) requiring the citation to specific regulations supporting the Agency's intended action. See Initial Decision at 3, 5; see also Exhibit R-1. The ALJ found, instead, that the Agency failed to cite N.J.A.C. 10:90-6.1(c)(2), which provides that the Agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members. See Initial Decision at 4. Based upon the ALJ's conclusion that the Agency's notice was defective, the ALJ found that the Agency's termination of Petitioner's EA benefits should be reversed. Ibid. Respectfully, I disagree, as I find that the Agency's reliance on N.J.A.C. 10:90- 6.1(a)(1) was the proper regulatory authority in this matter, that the Agency issued proper notice to Petitioner in accordance with same, and that reliance on N.J.A.C. 10:90-6.1(c)(2) would be misplaced. In accordance with regulatory authority, I conclude that the Agency's determination must stand, on the basis that Petitioner's total monthly household income, comprised of her monthly SSI benefits, SSD, child support, and SSI benefits received on behalf of her child, exceeds her housing costs. See Exhibits R-2, R-3, and see also N.J.A.C. 10:90-6.1(a)(1). Moreover, there is no evidence presented as to spend down of Petitioner's monthly household income on items deemed reasonable and necessary. See N.J.A.C. 10:90-6.1(c)(1)(ii); see also DFD Instruction ("DFDI") 11-03-07 at 2. Therefore, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand.

By way of comment, I note that the Agency's Exceptions make reference to a lump sum amount of SSI benefits received by Petitioner on behalf of her minor child during December 2024, exceeding \$14,000. While this sum is not specifically at issue, I note that such lump sum payments may have restrictions placed upon their usage and deposit, such that those funds may not be utilized for housing costs. See <https://www.ssa.gov/ssi/spotlights/spot-dedicated-accounts.htm>. However, regular monthly SSI benefits are to be utilized for the child's food, clothing, and shelter such that the minor child's monthly benefit amount should be included in the household's total monthly unearned income. Ibid.

By way of additional comment, should Petitioner's circumstances change, she may reapply for EA benefits.

By way of further 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.

By way of final comment, Petitioner should apply for utility assistance through the New Jersey Department of Community Affairs (e.g., USF and LIHEAP), if she has not already done so, to assist with those monthly costs. Information and links to these, as well as other utility assistance programs, are available on the New Jersey Board of Public Utilities website.

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

Officially approved final version. April 16, 2025

Natasha Johnson
Assistant Commissioner

