



## 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 **13656-24 D.M.**

AGENCY DKT. NO. **C135533015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appealed from the Respondent Agency's denial of replacement of certain alleged electronically stolen benefits from her Electronic Benefit Transfer ("EBT") card, as well as the termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA benefits due to Petitioner's apartment being over the fair market rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 10, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 13, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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, based on the discussion below.

N.J.A.C. 10:90-6.3(a)(7)(i)(1) states in pertinent part, "The Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent (FMR) for the county in which the recipient resides. Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD."

Here, the ALJ found that Petitioner had been receiving EA/TRA benefits, and the Agency requested an updated lease for the apartment, with whom Petitioner shared with an unrelated roommate. See Initial Decision at 2. The submitted lease indicated that Petitioner was allegedly occupying a two-bedroom apartment with an increased of \$1,850. Ibid. The Agency confirmed with the Toms River Tax Department that Petitioner's apartment was listed as a one-bedroom, one bath unit, and further confirmed same with the local code official. Id. at 3. Petitioner offered no corroborating evidence or testimony that her present apartment was, in fact, a two-bedroom unit. Ibid. After including Petitioner's share of utility costs, the Board determined that Petitioner's apartment, including utilities, exceeded the FMR rate for Ocean County for a one-bedroom apartment of \$1,654. Ibid.; see also DFD Informational Transmittal 24-19. Based on the foregoing, the ALJ concluded that the Agency had correctly terminated Petitioner's EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.3(a)(6). I agree. Moreover, the ALJ noted that the rent, plus utilities also exceeded the FMR for a two-bedroom unit. Id. at 4, fn 1; see also DFD Informational Transmittal No. 24-19. I also agree.

By way of comment, Petitioner is without prejudice to reapply for EA benefits.



By way of further comment, the Initial Decision notes that Petitioner withdrew her appeal pertaining to the amount of replacement benefits issued for alleged electronically stolen benefits. See Initial Decision at 2. As that issue was not substantively addressed in the Initial Decision, it is not addressed in this Final Agency Decision.

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

Officially approved final version. January 15, 2025

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Natasha Johnson  
Assistant Commissioner

