



State of New Jersey

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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 00494-18 R.R.

AGENCY DKT. NO. C027851017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of three months payment of back rent. The Agency denied Petitioner EA benefits contending that she failed to provide adequate documentation needed to determine eligibility, and that she had sufficient income to pay the monthly rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2018, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 15, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on November 11, 2017, Petitioner completed an application for EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 6-8. In support of Petitioner's application for EA benefits, she provided to the Agency a letter from her landlord stating that she was three months delinquent in back rent. See Initial Decision at 2; see also Exhibit R-1 at 10. The Agency did not accept the letter as documenting a pending eviction and, therefore, without additional documentation, denied Petitioner's application for EA benefits, effective December 15, 2017. See Initial Decision at 2; see also Exhibit R-1 at 1-5 and N.J.A.C. 10:90-6.3(a)(1)(ii). Petitioner also provided to the Agency monthly expense forms and paystubs. See Initial Decision at 2-3; see also Exhibit R-1 at 25-33. The Agency determined that based upon its review of Petitioner's paystubs, she had sufficient income to pay her rent, and on that basis, was also denied EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 1-5, and 25-30.

The ALJ found that Petitioner's monthly gross income exceeded her monthly rent. See Initial Decision at 3; see also Exhibit R-1 at 25-30, and N.J.A.C. 10:90-6.1(a)(1). The record also reflects that Petitioner's monthly rent is \$1,100, yet she lists on her expense forms that she paid rent of \$965 in May and June, 2017, and \$575 in July 2017, while her landlord noted in his arrears letter that she owed \$600 for May and June, and \$340 for July, 2017. See Initial Decision at 2, 4; see also Exhibit R-1 at 10, and 31-33. As such, the ALJ found that there is a discrepancy in that the landlord's letter is inconsistent with Petitioner's own statements, leaving confusion about what was paid by Petitioner and what is actually due to her landlord. *Ibid.* Further, the ALJ found that Petitioner did not provide documentation of whether eviction was imminent. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Therefore, the ALJ concluded that it was not unreasonable for the Agency to require further documentation and verification in order to determine Petitioner's eligibility for EA benefits. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency properly denied Petitioner EA benefits. *Ibid.*; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.1(a)(1), -6.3(a)(1)(ii). I agree.

Exceptions to the Initial Decision were filed by Petitioner on March 1, 2018.



As the Director of the 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, Petitioner is without prejudice to reapply for EA benefits should her circumstances change.

By way of further 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.

MAR 29 2018

Natasha Johnson

Director

