



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
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Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 4845-15 K.J.

AGENCY DKT. NO. C141908 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had sufficient available funds to pay her rent, and did not. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 17, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 20, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on April 23, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing."

Pursuant to N.J.A.C. 10:90-6.1(c)(2), "As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household. Pursuant to N.J.A.C. 10:90-6.1(c)(1)(ii), EA shall be provided "[w]hen the assistance unit ["AU"] can demonstrate or signs a document, prepared by the county/agency, certifying that available funds, including liquid resources at N.J.A.C. 10:90-3.20, 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. . . ." Items deemed appropriate, pursuant to N.J.A.C. 10:90-6.1(c)(1)(ii), 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.

Based on a careful review of the record, prior to Petitioner's application for EA benefits on March 31, 2015, Petitioner's AU had total, earned, net income, in the amount of \$1,677, a federal tax refund in the amount of \$2,668, plus \$200 in child support, for a total of \$4,545, for the months of February and March 2015. See Exhibit R-1 at 18-21; see also Initial Decision at 3. Additionally, at the time of the hearing, Petitioner was expecting a state tax refund in the amount of \$431. See Initial Decision at 3. Also, Petitioner received \$357, per month, in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits in the months of February and March of 2015. See *id.* at 2. The record further indicates that Petitioner's monthly rental obligation is \$751, heat included, and she pays \$20 per month for utilities. *Ibid*; see also Exhibit R-2 at 1. Therefore, Petitioner had sufficient funds to pay her February and March 2015, rent and utilities, plus \$3,003 in available funds leftover with which to pay her other necessary household expenses.

However, the record indicates that Petitioner chose not to pay her rent for February and March 2015, but rather decided to first pay back a short-term, payday loan in February 2015, in the amount of \$1,200. See Initial Decision at 3. Additionally, Petitioner provided a monthly expenditure letter which indicates, in February 2015, among other expenses, she spent \$500 for food (presumably, over and above her \$357 SNAP allotment), \$100 for laundry, \$250 in unspecified credit card payments, \$250 for a tablet/printer, \$100 in household/personal products, and \$100 cell phone bill for herself and her daughter. See Exhibit R-1 at 11-12. Again in March 2015, among other expenses, Petitioner spent \$500 for food, \$100 for laundry, \$250 in unspecified credit card payments, \$100 in household/personal products, and \$100 cell phone bill for herself and her daughter. See *id.* at 12-13. These aforementioned expenses do not appear to be "reasonable for decent living," See N.J.A.C. 10:90-6.1(c)(1)(ii), but rather, appear to be a mismanagement of funds. Further, the record does not indicate any extraordinary, necessary expenses for which Petitioner was obligated to pay, before she paid her rent. See *id.* at 11-13 .

Consequently, based on the foregoing, I find that Petitioner had the realistic capacity to plan and the capacity to pay her rent. Accordingly, I find that the Agency properly denied Petitioner EA benefits.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**MAY 12 2015**

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Natasha Johnson  
Director