



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

REMAND DECISION

OAL DKT. NO. HPW 887-15 M.D.

AGENCY DKT. NO. V544786 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's terminated his Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA because it concluded that Petitioner's income was sufficient to pay his rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 19, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On March 26, 2015, the ALJ issued his Initial Decision reversing the Agency's determination and remanding this matter to the Agency for further consideration. See Initial Decision at 4. After comparing Petitioner's Supplemental Security Income ("SSI") of \$764.25 to his monthly rent of \$760.00, the ALJ found that Petitioner's household income exceeds his rent by a token amount of \$4.65. See Initial Decision at 2. Further, the ALJ disagreed with the Agency's determination that Petitioner is ineligible for continued EA because his income exceeds his rent, for the reason that the Agency did not evaluate Petitioner's other reasonable and necessary expenses as well as the monthly rent. See Initial Decision at 4. In addition, the Agency failed to perform a Department of Housing and Urban Development-Fair Market Value ("HUD-FMV") analysis of Petitioner's rent, which the ALJ concluded was essential to determine Petitioner's continued EA eligibility. *Ibid.*

No exceptions to the Initial Decision were received.

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As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision, REVERSE the Agency's determination, and REMAND this matter to the Agency for further evaluation as set forth by the ALJ in the Initial Decision.

In order to be eligible for EA, the recipient must demonstrate that his shelter costs equal or exceed the total income available to his assistance unit. N.J.A.C. 10:90-6.1(a)(1). EA is available to SSI recipients to ensure uninterrupted housing when shelter costs equal or exceed total recorded income. Ibid.

I concur with the ALJ's decision that the Agency did not fully evaluate whether Petitioner's monthly SSI income of \$764.25 is sufficient to pay his \$760.00 monthly rent plus living expenses. See Initial Decision at 2. The Agency denied Petitioner's EA request without considering Petitioner's other reasonable and necessary expenses, such as utilities, food, and transportation. See Initial Decision at 4. At the hearing, the Petitioner produced a lease dated November 1, 2014 obligating Petitioner to pay rent of \$760.00 per month plus electricity costs. See Exhibit P-1 at 5. Petitioner also produced electric bills addressed to him covering the period December 8, 2014 through March 4, 2015. See Exhibit P-1 at 6-8. Therefore, the ALJ concluded that Petitioner's shelter costs exceed his monthly income, making Petitioner potentially eligible for continued EA if his rent and utility costs remain below the HUD-FMV. See Initial Decision at 4.

Based upon the foregoing, the Initial Decision in this matter is ADOPTED, the Agency's determination is REVERSED, and this matter is REMANDED to the Agency for further evaluation as outlined above.

Signed Copy on File
at DFD, BARA

MAY 18 2015

Natasha Johnson
Director