



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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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

FINAL DECISION

OAL DKT. NO. HPW 5647-15 P.P.

AGENCY DKT. NO. C277599 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA benefits because she is no longer a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. On April 23, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On the same day, the ALJ issued her Emergent Initial Decision, reversing the Agency's determination.

Exceptions were received from the Agency on April 24, 2015. Exceptions were received from counsel to Petitioner on April 29, 2015.

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, including the Exceptions filed by the parties, I hereby REJECT the Initial Decision and AFFIRM the Agency's action.

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 a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA, the recipient must demonstrate that her shelter costs equal or exceed the total income available to her assistance unit. N.J.A.C. 10:90-6.1(a)(1). Only WFNJ and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2(a).

The record in this matter reveals that the Agency terminated Petitioner's WFNJ/TANF benefits effective February 9, 2015, due to receipt of weekly child support payments, which thereby rendered Petitioner ineligible for receipt of further WFNJ/TANF benefits. See Adverse Action letter dated February 9, 2015. The record further shows that the Agency paid Petitioner's rent for February 2015. See Payment History. Additionally, as stated by the Agency in its Exceptions, and supported by documentary evidence in the record, in March 2015, Petitioner received \$2,339 in child support payments. See New Jersey Child Support printout at 1. This amount was clearly sufficient to pay Petitioner's March 2015 rent in the amount of \$1625, yet Petitioner utilized none of these funds towards her rent and there is no evidence presented in the record to suggest otherwise. See Landlord/Tenant Complaint; see also Agency Exceptions at 1.

Based upon the foregoing, it is clear that Petitioner's EA/TRA was properly terminated by the Agency because Petitioner was categorically ineligible to receive EA benefits, due to the termination of Petitioner's WFNJ/TANF benefits. See N.J.A.C. 10:90-6.2(a). As stated above, it is also clear that Petitioner had sufficient funds to pay her March 2015 rent, thus also rendering her ineligible to receive further EA benefits. See N.J.A.C. 10:90-6.1(a)(1). On these bases, I disagree with the ALJ's Initial Decision in this matter.

Accordingly, the Initial Decision in the matter is hereby REJECTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

MAY 14 2015

Natasha Johnson
Director