



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 19131-15 D.P.

AGENCY DKT. NO. V559663 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she caused her own homelessness due to the breakup of her relationship with her husband. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 16, 2015, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 17, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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, ON OTHER GROUNDS, the Agency's determination.

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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

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Here, I concur with the ALJ's finding that the Agency improperly denied Petitioner EA benefits on the basis that she caused her own homelessness due to the breakup of her relationship with her husband. See Initial 4, 6. However, I find that Petitioner has not provided any documentation demonstrating that she is no longer able to continue to reside with her grandmother and her friend, and, therefore, has not demonstrated that she is homeless or imminently homeless. See N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). On these grounds, I find that the Agency properly denied Petitioner EA benefits.

By way of comment, the Agency should refer Petitioner to the Department of Children and Families, and the Division of Developmental Disabilities as suggested by the ALJ, as well as any and all other services that may be able to assist Petitioner.

By way of further comment, Petitioner may reapply for EA benefits, provided she continues to need EA benefits, can provide the Agency with documentation demonstrating that she is homeless or imminently homeless, and is otherwise eligible in accordance with N.J.A.C. 10:90-6.1.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED on the grounds discussed above.

Signed Copy on File
at DFD, BARA

DEC 29 2015

Natasha Johnson
Director