



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 13261-14 S.M.

AGENCY DKT. NO. C051381 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied EA as it contended Petitioner had caused her own homelessness as a result of leaving her Landlord/Tenant court early on the day of the proceeding without requesting an adjournment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The record was held open until December 22, 2014 so Petitioner could provide medical documentation. On December 26, 2014, the ALJ issued an Initial Decision, affirming the Agency's determination.

Neither party filed exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients and SSI applicant/recipients. See 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."

However, when the recipient causes her own homelessness, she is ineligible for EA. Ibid; see also N.J.A.C. 10:90-6.1(c)(3) (imposing a six month period of ineligibility when applicant has caused their own homelessness for reasons including the capacity to capacity to prevent homelessness).

I concur with the ALJ's conclusion that Petitioner caused her own homelessness by leaving Landlord-Tenant court early on the day of the eviction action. See Initial Decision at 1. Because Petitioner left without notice, the court entered a default judgment and issued a Warrant of Removal for Petitioner. Ibid; see also Exhibit R-1 at 41. Petitioner's action of leaving her hearing without an attempt at informing any party of her predicament is not a circumstance beyond her control. Moreover, she neglected to take reasonable steps to inform a court officer, judge, or opposing counsel of her need to leave. Therefore, Petitioner has caused her own homelessness and is now subject to the six month penalty of ineligibility pursuant to N.J.A.C. 10:90-6.1(a).

A copy of the Initial and Final Decisions will be forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, to ensure that the health, safety and welfare of the Petitioner's child will be protected.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency determination is AFFIRMED.

FEB 11 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director