

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Commissioner

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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 17016-14 V.M.

AGENCY DKT. NO. C076874 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") because she moved from Georgia to New Jersey without a plan for housing and employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents. On January 6, 2015, the ALJ issued an Initial Decision which reversed the Agency determination and directed the Agency to provide EA in the form of a shelter placement pending submission of additional documentation in support of her EA application.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and REVERSE the Agency 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

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realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The record in this matter reveals that in October 2014, Petitioner moved from Georgia to stay in an owner-occupied house in Pennsylvania after her spouse abandoned her and her three children. See Initial Decision at 2. In November 2014, the house where Petitioner either was staying, or planned to stay, was destroyed in an electrical fire. Ibid. Petitioner then moved to New Jersey and is temporarily staying in a studio apartment with her daughter, an adult son, and 4 minor children. Initial Decision at 2; Exhibit R-1 at 1. Petitioner's reliance upon the verbal offer of employment as a certified nurse assistant failed because her driver's license was suspended. Initial Decision at 2.

Based upon the facts presented, I concur with the ALJ's findings in this matter and direction that the Agency provide Petitioner and her family shelter placement pending receipt of supporting documentation. See Initial Decision at 3. I further find that Petitioner came to New Jersey with a plan, albeit one that was not successful, after the above-referenced electrical fire.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is REVERSED.

FEB 11 2015 Signed Copy on File at DFD, BARA

Jeanette Page-Hawkins Director