



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

AMENDED DECISION

OAL DKT. NO. HPW 11800-14 A.A.

AGENCY DKT. NO. V484682 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

On October 21, 2014, a Final Agency Decision ("FAD") was issued in this matter which contained a typographical error. Specifically, the last line of the FAD affirmed the Agency determination instead of reversing the Agency determination. This Amended FAD corrects that error. However, the remainder of the FAD remains unchanged. The following is the Amended FAD:

Petitioner appeals Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 23, 2014, the Honorable Leland McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 24, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

The Agency submitted exceptions on September 25, 2014.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/General Assistance.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

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EA is available where 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." N.J.A.C. 10:90-6.1(c).

EA shall not be provided for a period of 6 months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

In early June 2014, Petitioner applied for EA in the form of a security deposit and moving expenses in connection with the contemplated transfer of his Section 8 housing voucher on September 1, 2014. N.J.A.C. 10:90-6.3(a). At that time, the Agency requested numerous documents, including but not limited to, the lease agreement and break-up lease form, the security deposit return form, proof of inspection for the new apartment and three estimates from moving companies. Petitioner timely and substantially produced acceptable, responsive documentation.

In addition, Petitioner's rental agent acknowledged documented complaints about Petitioner's neighbors, substantiated by police reports. Petitioner also provided a doctor's note stating his emotional state would benefit from a move.

In mid-September 2014, the Agency denied EA and contends Petitioner voluntarily moved and thereby caused his own homelessness, without good cause.

Notwithstanding, there is sufficient credible evidence Petitioner had good cause to move, planned for substitute housing, followed the Agency's instructions and equally important, relied upon the Agency's representations. Although the EA verification list does not expressly promise the Agency will grant EA, it is circumstantial evidence which further supports Petitioner's testimony to that effect.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

NOV 01 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director