



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 13890-14 C.P.

AGENCY DKT. NO. GA274958 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 3, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony, admitted documents, and issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied EA and imposed a six-month EA penalty based upon the contention Petitioner caused her own homelessness when she quit her job and moved from Georgia to New Jersey without a plan for a job and permanent housing. The ALJ found Petitioner moved to New Jersey when her unemployment insurance benefits ("UIB") ended, and "had housing but it did not work out."

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). EA is available when "the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c). However, EA shall not be provided for a period of six months where the recipient adult member voluntarily quits employment or where the applicant has caused his or her homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

There is no evidence that the Petitioner is homeless due to circumstances beyond her control, or that she lacked the realistic capacity to plan for substitute housing. Contrary to the conclusory findings in the Initial Decision, the Petitioner's EA application indicates that she voluntarily quit gainful employment, did not receive UIB, and abandoned permanent affordable housing in Georgia for the express purpose of moving to New Jersey. Inconsistent with any objectively reasonable plan for employment or housing, Petitioner applied for WFNJ/GA benefits immediately upon arrival and illegally moved into a friend's Section 8 housing. As such, the Agency appropriately denied the Petitioner request for EA.

With regard to the six-month EA penalty, I disagree with the ALJ that the penalty has expired because Petitioner had resided in New Jersey for six months. Pursuant to Division of Family Development Instruction 08-05-04, "for EA applicants, the six-month period of ineligibility shall be applied when EA is denied as a result of the applicant causing her own homelessness." Thus, the Petitioner's six-month EA period of ineligibility shall expire on April 10, 2015.

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

Signed Copy on File
at DFD, BARA

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Jeanette Page-Hawkins
Director