



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 15781-14 J.H.

AGENCY DKT. NO. C209704 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA because it contended that Petitioner abandoned affordable housing in another state and had come to New Jersey with no plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 15, 2014, the ALJ issued his Initial Decision, which reversed the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 29, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby REJECT the Initial Decision of the ALJ and AFFIRM the Agency's 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 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 for this matter establishes that Petitioner previously moved to North Carolina from New Jersey due to a job transfer. See Initial Decision at 2. Petitioner was subsequently fired from her job in North Carolina for cause. Ibid. Despite the fact that Petitioner received unemployment benefits for five to six months, Petitioner was evicted from affordable housing in North Carolina in October 2014 for non-payment of rent. See Initial Decision at 3; see also Exhibit R-4. Petitioner then returned to New Jersey with no job prospects or plans for alternate housing. Ibid. Petitioner moved in with her brother, who resides in Section 8 housing, but could not stay with him as Petitioner was not on the lease. See Initial Decision at 2; see also Exhibit P-1. Petitioner has now been staying with a friend. See Initial Decision at 2.

The Agency in this matter contends that Petitioner has caused her own homelessness by abandoning affordable housing in another state and coming to New Jersey without any prospect of employment or plan for self-sufficiency. See Exhibit R-1. Based upon the evidence presented in this matter, I agree with the Agency.

As I find that Petitioner has caused her own homelessness, Petitioner will be ineligible for EA benefits for a period of six months pursuant to N.J.A.C. 10:90-6.1(c)(3). An applicant's period of EA ineligibility is applied from the date of denial of application for EA, which in this case, is November 12, 2014. See DFD Instruction 08-5-4 at 11.

Based upon the foregoing, the Initial Decision in this matter is REJECTED and the Agency's determination is AFFIRMED.

DEC 31 2014 *Signed Copy on File*
at DFD, BARA

Jeanette Page-Hawkins
Director