



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 12647-14 M.C.

AGENCY DKT. NO. V299335 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the 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 October 6, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On October 7, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted exceptions on October 10, 2014.

As the Director of the Division of Family Development, I independently reviewed the record and hereby MODIFY the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families, Medicaid, Supplemental Security Income and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits.

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

There is sufficient credible evidence Petitioner had countable monthly income greater

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than her rent, voluntarily failed to pay rent for three consecutive months and thereby caused her own homelessness, without good cause, within the meaning of N.J.A.C. 10:90-6.1(c)(3)(v). As such, I agree with the ALJ's conclusion that the Agency appropriately denied her request for EA and imposed a 6-month penalty.

However, I find that the ALJ erred in directing the Agency to immediately provide EA in the form of shelter placement. Because the Agency appropriately imposed a six month penalty, Petitioner is ineligible for EA, including EA in the form of a shelter placement, until March 9, 2015.

In accordance with the Initial Decision, copies of the Initial and Final Agency Decisions shall be forwarded to the Division of Child Protection and Permanency, f/k/a the Division of Youth and Family Services, to ensure the health, safety, and welfare of Petitioner's children.

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

OCT 22 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director