



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 10834-14 M.X.

AGENCY DKT. NO. GA563692 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals Respondent Agency's grant of Emergency Assistance ("EA") in the form of a shelter placement and the denial of storage unit fees. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 12, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 15, 2014, the ALJ 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 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 the recipient can participate in work activities without disruption and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a).

The Agency shall determine the "most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

In early August 2014, the Agency denied EA in the form of storage unit rent, and granted EA in the form of a shelter placement notwithstanding a Med-1 form dated July 4, 2014. By mid-August, Petitioner had not come into the shelter for two consecutive days and was no longer a resident. See N.J.A.C. 10:90-9.6(a);-6.3(c) and (e). The record is unclear whether Petitioner is presently homeless or imminently homeless. N.J.A.C. 10:90-6.3(a)(1)(ii).

The ALJ appropriately directed the payment of not more than 6 months storage unit rent based upon the Agency's failure to explain, much less support its adverse determination. N.J.A.C. 10:90-6.3(a)(4)(iv).

The ALJ briefly discussed, but drew no specific conclusions regarding Petitioner's housing situation. Consistent with the Med-1 form, Petitioner contends she cannot stay in a shelter placement because she suffers panic attacks that causes her to cry all night.

Petitioner may reapply for EA without prejudice, and receive temporary rental assistance at the Agency's discretion if she is otherwise eligible. However, the Med-1 form dated July 7, 2014, is not sufficient to support Petitioner's assertion that a shelter placement is inappropriate. Petitioner is advised that she must provide the Agency with a note from her medical provider which indicates what type(s) of housing are inappropriate for her and why.

Finally, I note that Petitioner asserted that she is a victim of domestic violence. If it has not done so already, the Agency shall refer Petitioner for a Family Violence Option risk assessment in accordance with the provisions at N.J.A.C. 10:90-20.1 et seq.

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

OCT - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director