



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 6753-14 Q.S.

AGENCY DKT. NO. GA554498 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA because it contended that Petitioner should have done what was necessary to continue to reside with his mother, and also, that Hunterdon County had no responsibility to house homeless individuals from other counties. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 8, 2014, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On July 11, 2014, the CALJ issued her Initial Decision, which reversed the Agency's denial of EA benefits. The CALJ found that Petitioner had been ejected from residing with his mother in February 2014, as Petitioner had lost his job and was unable to contribute to household expenses. See Initial Decision at 2; see also Exhibit R-1 at 1. Thereafter, Petitioner resided with two different friends, both of whom provided letters that Petitioner could not continue to reside with them. See Initial Decision at 2. The CALJ found that Petitioner "is essentially homeless[, with] no immediate means of supporting himself," as verified by a MED-1 demonstrating a temporary disability. See Initial Decision at 3. While the CALJ reversed the Agency's determination, the CALJ cautioned Petitioner that EA is a temporary subsidy, available only up to twelve months for Work First New Jersey/General Assistance ("WFNJ/GA") recipients. See *id.* at 4.

Exceptions to the Initial Decision were filed by the Agency on July 14, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby ADOPT the Initial Decision, REVERSING the Agency 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).

I concur with the CALJ that Petitioner is imminently homeless through no fault of his own and has provided letters from individuals with whom he has been staying. See Exhibits R-3 and R-4. As such, I conclude that the Petitioner should be extended EA benefits at the present time, together with the other services that the Agency is presently providing, see Initial Decision at 2, to assist Petitioner in reaching self-sufficiency.

By way of comment, if is has not already done so based upon the Petitioner's MED-1 Form, Exhibit R-5, the Agency shall refer Petitioner for a Substance Abuse Initiative assessment, N.J.A.C. 10:90-8.2, and a mental health assessment, N.J.A.C. 10:90-5.15.

Finally, as it is unclear from the record whether the Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), and whether the Petitioner is in the process of reunification with his child and the mother of his child, a copy of the Initial and Final Decision shall be referred to DCP&P.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency action is REVERSED.

AUG 20 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director