



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

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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 12853-14 S.B.

AGENCY DKT. NO. C627139 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application because she voluntarily quit employment without good cause and had the ability to plan for the emergency. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 27, 2014 the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 17, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were submitted.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed this matter and MODIFY the Initial Decision and AFFIRM the agency action.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients and Supplemental Security Income applicant/recipients. See 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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, Petitioner quit her last job in 2013 and is currently living with her sister who claims there is not enough room in the apartment for Petitioner and her daughter. See Initial Decision at 2. There is no eviction notice, letter, or otherwise substantiating document providing proof of homelessness or imminent homelessness. Petitioner has failed to address both her employment issues and plan for alternative housing during the 10 months she has been unemployed and living in her sister's home. Id. at 2-3. Therefore, under the facts on the record, I agree with the Agency that Petitioner had the ability to plan in advance for substitute housing and is not entitled to EA benefits.

I note that while the ALJ finds in favor of the Agency, he also states that when Petitioner is eligible for cash benefits, she may reapply for EA benefits. See Initial Decision at 3. However, the ALJ concluded that Petitioner's present homelessness is a direct result of her voluntary cessation of employment without a prospect for future employment. Ibid. As such, I find that Petitioner has caused her own homelessness and is now ineligible for EA benefits for a period of 6 months. See N.J.A.C. 10:90-6.1(c)(3). On this basis, I hereby modify the ALJ's Initial Decision.

Accordingly, the Initial Decision is MODIFIED and the Agency action AFFIRMED.

DEC 30 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director