



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 10576-14 S.J.

AGENCY DKT. NO. GA177408 (BERGEN COUNTY BOARD OF SOC SERV)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2014, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On August 29, 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.

In May 2014, the Agency approved Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, and Work First New Jersey/General Assistance ("WFNJ/GA") after Petitioner completed her WFNJ work requirement. In August 2014, the Agency denied Petitioner's request for EA and imposed a 6-month period of ineligibility, ostensibly because Petitioner caused her own homelessness by temporarily moving in with a friend after losing two jobs and her apartment in an adjacent county. The ALJ correctly found neither a factual nor a legal basis for the Agency actions.

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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). Only WFNJ recipients, including those determined eligible for WFNJ benefits based upon immediate need, and Supplemental Security Income recipients are eligible for EA. N.J.A.C. 10:90-6.2. EA is available where 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." N.J.A.C. 10:90-6.1(c).

The Agency did not base either the denial of EA or the imposition of a 6-month penalty upon any of the circumstances listed in N.J.A.C. 10:90-6.1(c)(3). Likewise, the Agency did not, and under the circumstances could not have properly based its denial of EA upon the actions or inactions of the Passaic County Board of Social Services, much less conjecture about what Petitioner allegedly could have done in response. Moreover, I note that the Petitioner was not a WFNJ/GA recipient when she moved from Passaic County to Bergen County. In short, the Agency must evaluate Petitioner's EA application on merit using the criteria in N.J.A.C. 10:90-6.1.

There is sufficient credible evidence Petitioner lacked the realistic capacity to plan for substitute housing and became homeless due to circumstances beyond her control. The apartment Petitioner shared with her mother became unaffordable after the mother died, more so after Petitioner lost a home-based job when her provider terminated telephone and internet service. Petitioner's circumstances were further exacerbated when she lost a job as a home companion after her car broke down.

Petitioner was evicted from her prior permanent housing. The Agency does not contend Petitioner's present living arrangement is anything more than temporary. There is no suggestion of any other reason to deny Petitioner's request for EA.

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

SEP 10 2014

Signed Copy on File

at DFD, BARA

Jeanette Page-Hawkins

Director