



*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 15837-14 V.F.

AGENCY DKT. NO. C212261 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied the Petitioner's application because it asserted she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents into evidence. On December 15, 2014 the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions were filed by Petitioner on December 17, 2014.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I independently reviewed the record and hereby REJECT the ALJ's Initial Decision and 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 in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits 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. Ibid.

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD. *Ibid.*

The record in this matter reflects that Petitioner worked for an attorney where she feared for her physical safety due to irate clients. See Initial Decision at 2. In one particular instance, law enforcement was called due to the severity of the physical threat. *Ibid.* The ALJ found that if she voluntarily quit her employment, there was good cause for her to do so. *Id.* at 3. Petitioner ceased working for the aforementioned attorney on September 3, 2014 and, subsequently, was unable to pay rent for the months of September, October, and November of 2014. *Ibid.* Petitioner's landlord filed an eviction notice on November 10, 2014 returnable on January 15, 2014. *Id.* at 3; see also Exhibit P-2. Petitioner found new employment on December 3, 2014. *Ibid.*

Although the Department of Labor determined Petitioner was unable to collect unemployment benefits, see Exhibit P-1, this does not preclude her from receiving EA benefits. Our regulatory scheme outlines its own basis for what constitutes good cause for the voluntary cessation of employment. See N.J.A.C. 10:90-4.14(c).

Here, I agree with the ALJ that Petitioner had good cause to leave her employment due to hostile work conditions. See Initial Decision at 3. However, I disagree that Petitioner was not faced with an emergency. Under the relevant regulatory authority, Petitioner is entitled to EA benefits if she faces imminent eviction. See N.J.A.C. 10:90-6.1(a). Clearly, Petitioner has provided proof of an imminent eviction. See Exhibit P-2. Therefore, she has a valid basis to seek EA benefits for back rent. Thus, payment of her arrears will prevent an actual eviction or foreclosure under N.J.A.C. 10:90-6.3(a)(5) and I direct that Petitioner be granted EA in the form of back rent for the three months specified in the Landlord-Tenant action.

Based upon the foregoing, I hereby REJECT the Initial Decision and Agency Determination.

DEC 31 2014 *Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director