



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 08871-19 T.L.

AGENCY DKT. NO. C483223007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she failed to take reasonable steps to avoid her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 3, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

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 to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that Petitioner was seeking EA benefits in the form of shelter placement for the month of July 2019, and stated that she would be able to pay for housing costs going forward from her monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit P-2. The Agency denied Petitioner EA benefits, contending that she had failed to take reasonable steps to resolve her emergency prior to being ejected from her aunt's apartment and after being evicted from a prior EA apartment. See Initial Decision at 3; see also Exhibit R-1 at 2-6. The record reflects that Petitioner had received 40 months of EA, that she has a 12-month MED-1 form, and that she has been approved for RSDI benefits in the amount of \$1,141 per month, with her first payment expected in the latter part of July 2019. See Initial Decision at 2; see also Exhibits P-2, R-1 at 1, 12-29. It should be noted that Petitioner last received EA benefits in October 2017. See Exhibit R-1 at 13. The ALJ found that Petitioner had been living with her aunt since September 2018, and that



she had planned on moving out of her aunt's apartment once she had received her RSDI benefits. See Initial Decision at 2-3. The ALJ also found that Petitioner had relied upon her aunt's representation that she could continue to reside with her until such time as she received her RSDI benefits, but instead, her aunt had decided to ask Petitioner to vacate her apartment by July 1, 2019. Ibid.; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that Petitioner had a plan to avoid her homelessness, and that she would be self-sufficient once she began receiving her RSDI benefits. See Initial Decision at 3. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits in the form of shelter placement for the month of July 2019, and reversed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 2-3; see also Exhibit R-1 at 2-6, and N.J.A.C. 10:90-6.1(c), -6.3. I agree.

By way of comment, as Petitioner's last EA payment was in October 2017, I find that the Agency reliance on an eviction that occurred from EA housing at that time is misplaced, as it is too remote in time.

By way of further comment, if Petitioner has not located permanent housing by the end of July, the Agency shall refer Petitioner to Social Services for the Homeless.

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

Officially approved final version.

JUL 11 2019

Natasha Johnson

Director

