



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 7156-14 A.F.

AGENCY DKT. NO. V026470 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application on the basis that Petitioner was unable to account for her available funds, she had no ownership rights to her mother's house, and the mortgage arrearage exceeds the level of payment permissible by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 30, 2014, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 14, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

EA shall be made available through the Work First New Jersey ("WFNJ") program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. EA is also available to applicants in receipt of Supplemental Security Income ("SSI"). N.J.A.C. 10:90-6.1(a).

However, EA is only available where there has been an actual or imminent eviction from prior housings, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or in the absence of a realistic capacity to plan in advance for substitute housing. N.J.A.C. 10:90- 6.1.

A lack of realistic capacity to engage in advance planning exists when the assistance unit can demonstrate that available funds were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living. N.J.A.C. 10:90-6.1(c)(1)(ii).

Here, Petitioner is residing in her mother's house, which is in foreclosure due to a \$60,000.00 arrearage. Petitioner does not have ownership or any legal rights to the home, and the amount of the arrearage far exceeds the amount permissible to be paid under applicable EA regulations. Additionally, Petitioner failed to maintain a previous payment arrangement with the utility company and has not demonstrated how her funds were expended. See Exhibit R-1:1.

The ALJ concluded, and I agree, that the Agency appropriately denied Petitioner's application for EA benefits.

Accordingly, the Agency action is AFFIRMED.

OCT 22 2014

Signed Copy on File

at DFD, BARA

Jeanette Page-Hawkins
Director