



**DEPARTMENT OF HUMAN SERVICES**

**Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625**

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 8069-15 A.P.

AGENCY DKT. NO. C117253 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Shelter. The Agency denied Petitioner's application for EA because it contended that her actions caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 9, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents. On June 10, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby ADOPT the Initial Decision of the ALJ and AFFIRM 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 in advance for substitute housing." EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

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Here, Petitioner testified that she left the residence of her mother, at her mother's request, where Petitioner was living with her child because she had "words and actions" with her brother. See Initial Decision at 3. Petitioner stated that she perceived no danger at the residence and left her child there. *Id.* Moreover, Petitioner applied for EA for the purpose of shelter for herself only and not for both her and her daughter. *Id.* As the ALJ appropriately noted, Petitioner is a WFNJ/TANF recipient and not a Work First New Jersey/General Assistance ("WFNJ/GA") recipient. *Id.* WFNJ/TANF benefits would be available to Petitioner under the TANF component of the WFNJ program only if her daughter was also residing with her. See N.J.A.C. 10:90-1.1(a)(b); see also N.J.A.C. 10:90-6.1.

The ALJ concluded that the Agency provided a fair preponderance of evidence to show that Petitioner caused her own homelessness. *Id.* at 4. Moreover, Petitioner failed to meet her burden to show that she is entitled to the benefits she requested from the Agency. *Id.* The ALJ concluded that Petitioner caused her own emergency, and the Agency therefore properly denied Petitioner's EA application. *Id.* I agree.

By way of comment, because Petitioner caused her own homelessness, she is therefore ineligible for EA for a period of six months, or until December 2, 2015. See N.J.A.C. 10:90-6.1(c)(3).

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

**JUN 19 2015***Signed Copy on File*

at DFD, BARA

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Natasha Johnson

Director