



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 3146-15 B.G.

AGENCY DKT. NO. S470179 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because Petitioner had the realistic capacity to plan for her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On March 9, 2015, the ALJ issued an Initial Decision, affirming the Agency determination and imposing a 90-day period of EA ineligibility.

Exceptions to the Initial Decision were filed by the Agency on March 12, 2015.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and having made an independent evaluation of the record, I MODIFY the Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c).

EA benefits shall not be provided for a period of six months when an adult EA benefits

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applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

Here, Petitioner was terminated from her previous employer for using her company credit card for personal use and failing to repay the charges. See Initial Decision at 2; see also Exhibit R-4 and R-5. Petitioner acknowledged using the card for personal use, citing challenging family circumstances. See Initial Decision at 2. On January 12, 2015, Petitioner applied for EA in the form of Temporary Rental Assistance ("TRA"). Ibid; see also Exhibit R-1. Subsequently, on January 23, 2015, the Agency denied Petitioner's application and determined that Petitioner was ineligible for EA benefits for a period of six months effective January 12, 2015, the date of Petitioner's EA application. See Initial Decision at 2; see also Exhibit R-3.

I agree with the ALJ that Petitioner has caused her own homelessness in this matter due to her own actions. Therefore, pursuant to N.J.A.C. 10:90-6.1(c)(3), Petitioner is subject to a six-month period of ineligibility for EA benefits. However, the period of EA ineligibility applies from the date of the Agency's denial. See DFD Instruction 08-5-4 at 11. The ALJ was incorrect to apply a 90 day penalty, and the Agency applied the incorrect effective date for the EA penalty. As such, the decision is modified to reflect the correct ineligibility period of six months, and to correct the effective date for the EA penalty, which is January 23, 2015.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's action in this matter is AFFIRMED.

MAR 27 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director