



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 3157-15 C.J.

AGENCY DKT. NO. C141048 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied Petitioner's EA application because she allegedly failed to plan for her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On the same day, the ALJ issued an Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and hereby ADOPT the Initial Decision and REVERSE the 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 and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1 (a). 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". Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

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Here, Petitioner testified she was facing a lockout by her landlord for February 17, 2015, which was extended pending the outcome of the hearing. See Initial Decision at 3. Petitioner has attempted to search for work but has experienced health issues that have prevented her from securing employment. Ibid. The Agency confirmed Petitioner is income eligible and receives Retirement, Survivor's and Disability Insurance ("RSDI") and Supplemental Security Income ("SSI"). Ibid. The Agency was unable to provide any additional evidence to support the denial of Petitioner's EA application. Ibid.

Based upon the foregoing, I agree with the ALJ's reversal of the Agency's determination. Petitioner faces imminent homelessness due to circumstances beyond her control and the Agency has been unable to meet their burden to prove otherwise.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

MAR 23 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director