



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 14142-14 C.M.

AGENCY DKT. NO. C237473 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). The Agency denied Petitioner's request for EA on the basis that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2014, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony, admitted documents, and issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In July 2014, the New Jersey Department of Labor and Workforce Development ("LWD") determined Petitioner was ineligible for temporary disability benefits based upon his alleged failure to provide unspecified eligibility information. The same month, the Agency granted WFNJ/TANF cash assistance and SNAP benefits. In early September, Petitioner applied for EA which the Agency denied in late October. It appears Petitioner was evicted in mid-November.

Page 2

The Agency contends Petitioner caused his own homelessness by failing to provide unspecified information to LWD to establish eligibility for temporary disability benefits, and alternatively, because Petitioner's possible future receipt of Supplemental Security Income ("SSI") benefits is a potential source of allegedly disqualifying income.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA can also be an appropriate form of assistance for WFNJ recipients who are unable to work. N.J.A.C. 10:90-6.1(b).

EA is in relevant part available when there has been "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 in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

EA shall not be provided for a period of 6 months where the recipient adult member has caused his or her homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

The ALJ appropriately found that neither the previous, non-prejudicial denial of temporary disability benefits, nor the speculative possibility of future SSI benefits can support the denial of EA to an otherwise eligible WFNJ/TANF recipient. See N.J.A.C. 10:90-6.2. The Agency does not allege, and there is no evidence to support a contention that the Petitioner had a realistic capacity to plan in advance for substitute housing. As such, the ALJ concluded, and I agree, that the Agency's denial of EA was inappropriate.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

NOV 21 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director