



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 1051-15 C.P.

AGENCY DKT. NO. GA564027 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she did not provide proof of homelessness or imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 26, 2015, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents into evidence. On March 2, 2015, the ALJ issued an Initial Decision affirming 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 considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients. See 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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reveals that at the time that Petitioner applied for EA benefits, she did not have any proof of imminent homelessness. See Initial Decision at 3-4; see also Exhibit R-1 at 2. Petitioner resides, along with her two children, at her mother's residence. See Initial Decision at 3; see also Exhibit R-2. Petitioner asserts that she has to leave her mother's residence because her mother was relocating, and Petitioner and her children could not follow her to the new location. See Initial Decision at 3. Petitioner's mother wrote a letter, presented to the Agency by the Petitioner in support of her impending homelessness, stating that the landlord "is (sic) given us until December [2014]." See Exhibit R-2.

Petitioner testified, with regard to her mother relocating, that "[h]er mother is waiting to hear whether petitioner gets TRA before she moves." See Initial Decision at 3. Petitioner's testimony arguably means that her mother is not going to relocate if Petitioner fails to secure TRA. Also relevant here is that there is nothing in the record that shows that Petitioner's mother ever made any direct demand to Petitioner that she and her children vacate the premises. Moreover, the record reflects that no eviction proceedings have been brought against Petitioner's mother. See Initial Decision at 3. Thus, her mother's reference in her letter as to the landlord's December 2014 deadline is, at best, vague. See Exhibit R-2.

The ALJ found, based on the evidence presented at the hearing, specifically the letter authored by Petitioner's mother, that Petitioner was not imminently homeless and as such, did not meet the eligibility requirement for an emergency pursuant to N.J.A.C. 10:90-6.1(a). See Initial Decision at 3-4; see also Exhibit R-2. The ALJ therefore ordered that the Agency's determination be affirmed. See Initial Decision at 4. I agree.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

APR 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director