



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

REMAND DECISION

OAL DKT. NO. HPW 10223-14 D.M.

AGENCY DKT. NO. S517182 (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 for EA benefits as it contended that Petitioner had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony and admitted documents into evidence.

On August 18, 2014, the ALJ issued his Initial Decision, reversing the Agency's determination. The ALJ determined that Petitioner was in a state of homelessness due to circumstances beyond her control. See Initial Decision at 5. The ALJ opined, "Petitioner, in her effort to assist others, has faced unforeseen and unfortunate circumstances which have placed her in the situation she is in." Ibid. The ALJ therefore concluded that Petitioner was eligible for EA benefits. Ibid.

The Agency filed Exceptions to the Initial Decision on August 21, 2014. The Agency notes that Petitioner had, of her own accord, allowed a friend to move into her apartment. See Exceptions. The Agency notes that Petitioner was the legal occupant of the apartment, which she then abandoned to the friend. Ibid. As such, the Agency maintains that Petitioner's actions were within her own control and she caused her own homelessness. Ibid.

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As the Director of the Department of Human Services, Division of Family Development, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby REJECT the Initial Decision, AFFIRM the Agency action and REMAND to the Agency.

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 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."

Based upon the record in this matter, I concur with the Agency that Petitioner has caused her own homelessness in this instance by abandoning permanent housing. The record reflects that Petitioner was residing in an apartment in March of 2014, as the legal occupant, when she permitted a friend and her children to move in with her. See Initial Decision at 2. Issues then arose with the friend's boyfriend, including acts of vandalism by the boyfriend to Petitioner's property. See *id.* at 2-3. Rather than take appropriate legal action to have the friend removed from the apartment, when she refused to leave, Petitioner abandoned the apartment. *Ibid.* As evidenced in the record, upon contacting Petitioner's landlord, the Agency was advised that "[Petitioner] moved out in the middle of the night without informing him. ... He reported that [Petitioner] moved in friends [into] the apartment who were not authorized to be living there." See Exhibit R-6 at 1. These facts support the Agency's contention, with which I concur, that Petitioner abandoned permanent housing, thereby causing her own homelessness.

The record in this matter seems to indicate that Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services. N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCP&P], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." Therefore, I am remanding this matter to the Agency to establish appropriate communication and consultation with DCP&P to ensure coordination of the DCP&P plan, EA service plan and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i).

A copy of the Initial and Final Decisions in this matter will be forwarded to DCP&P.

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Based upon the foregoing, I REJECT the Initial Decision, AFFIRM the Agency's determination and REMAND the matter to the Agency.

SEP -2 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director