



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 9293-14 D.R.

AGENCY DKT. NO. C209977 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 1, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On August 4, 2014, the ALJ issued an Initial Decision, in which the ALJ reversed the Agency's denial of EA. The ALJ also ordered the Agency to place Petitioner in the Supportive Assistance for Individuals and Families ("SAIF") program, if appropriate, develop an Individual Responsibility Plan and provide Petitioner with a domestic violence assessment.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and I REJECT the ALJ's Initial Decision.

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 a 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 relevant 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."

In the present matter, the issue on appeal is whether the Agency properly denied Petitioner EA benefits. As noted above, a threshold eligibility requirement for EA is that the individual must be homeless or imminently homeless. Here, the record lacks any evidence that Petitioner meets this essential EA eligibility criterion. Indeed, the Initial Decision reveals that Petitioner has resided with her mother since 2012 and continues to do so. Thus, Petitioner is not homeless or imminently homeless and as such, Petitioner is not eligible for EA benefits. Nonetheless, I agree with the ALJ that Petitioner should be referred for a domestic violence assessment in accordance with the FVO Initiative. N.J.A.C. 10:90-20.1 et seq.

In her Initial Decision, the ALJ describes the exemptions to the 60-month WFNJ time limit and the SAIF program. However, the 60-month time limit for WFNJ/TANF cash assistance and the SAIF program are not applicable to the present matter because this matter pertains to EA benefits. For purposes of clarification, the time limits for EA benefits are separate from those for WFNJ cash assistance benefits. Specifically, EA benefits are limited to 12 months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; see also N.J.A.C. 10:90-6.4(b),(d)(limiting WFNJ/TANF recipient to two six-month extreme hardship extensions). And, the SAIF program provides intensive case management to certain WFNJ recipients who have complied with their work requirements, are not eligible for a WFNJ/TANF time-limit exemption, and have not reached self-sufficiency. See N.J.A.C. 10:90-2.20. Hence, because this matter is limited to Petitioner's eligibility for EA benefits, the exemptions to the 60-month time limit for WFNJ/TANF benefits and the SAIF program are not germane to Petitioner's appeal.

By way of comment, a copy of the Initial and Final Decisions will be sent to the Division of Child Permanency and Protection ("DCP&P") because the Initial Decision indicates DCP&P is involved with the family.

Accordingly, the Initial Decision is REJECTED and the Agency's denial of EA is AFFIRMED.

AUG 13 2014 *Signed Copy on File*
at DFD, BARA

Jeanette Page-Hawkins
Director