



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 4702-15 D.W.

AGENCY DKT. NO. C129974 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she had the realistic capacity to plan in advance for substitute housing but failed to do so, and further, because she had failed to show that she was imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 20, 2015, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, admitted documents, and issued an Initial Decision which reversed the Agency's determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I 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). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Here, the record shows that Petitioner is caring for her 13 year-old niece and moved from Michigan in August 2014 to New Jersey, where she was a former resident, as she could not afford to remain in Michigan. See initial Decision at 3; Exhibit P-1. Petitioner moved in with her aunt who offered to help her, while Petitioner, previously certified in New Jersey as a "Health Nurse Aide in Long Term Care Facilities," looked for employment in that field of work. See Initial Decision at 3. Petitioner provided documents related to the application process for her recertification in New Jersey. Ibid. Petitioner received a letter, dated October 15, 2014, from the New Jersey Department of Health stating that she was not eligible to be certified in New Jersey via reciprocity, as too much time had passed since her initial certification here, and she would need to again complete the appropriate training and pass the required examination. See Initial Decision at 3; Exhibit P-4.

Additionally, Petitioner's aunt provided a notarized letter, dated March 13, 2015, stating that Petitioner needs to find an alternative place to live by March 31, 2015, as she was in the process of selling her house. See Initial Decision at 3; Exhibit P-1. Petitioner, according to the record, is now homeless and moving from place-to-place with her niece. See Initial Decision at 3.

On March 18, 2015, the Agency denied Petitioner's request for EA. See Exhibit P-2. The Agency's position in the matter is that Petitioner was aware that her aunt's home was on the market to be sold, and Petitioner did not take the necessary steps to establish self-sufficiency. See Exhibit P-2. Moreover, the Agency determined that because Petitioner's aunt's house was not actually sold, there was no current emergency. See Exhibits P-1 and P-2. Thus, the Agency asserted, in its denial of EA, that Petitioner retained continuing capacity to plan for self-sufficiency. Ibid.

The ALJ opined that because Petitioner could no longer live in Michigan, as she could not afford to do so, she accepted her aunt's help and moved to New Jersey in August 2014. See Initial Decision at 3; see also Exhibit P1. Petitioner was not aware, as also concluded by the ALJ, that she would have to again train and test for recertification as a nurse's aide in long-term care in New Jersey, and that her aunt was moving to Georgia. See Initial Decision at 3. The ALJ further concluded that Petitioner is presently homeless and ordered that the Agency's denial of Petitioner's EA be reversed, and that Petitioner be provided with a shelter placement for a period of two months and then be re-evaluated. I agree.

By way of comment, I note that the Initial Decision reflects that the Agency did not state its reason for the denial of Petitioner's EA, other than to reference the appropriate regulation in its Notice to her. However, I find that the Agency's notice of denial to Petitioner provided her with a detailed explanation of the Agency's reasons for its denial. See Exhibit P-2.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is REVERSED.

MAY 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director