



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7041-15 E.L.

AGENCY DKT. NO. V500888 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA because it contended that he caused his own homelessness and failed to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On May 21, 2015, the ALJ issued an Initial Decision, which affirmed 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 reviewed the Initial Decision and I hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's 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).

The record for this matter established that Petitioner rented a space for seven years from a family but was asked to leave in June 2014 due to an ongoing domestic dispute with a paramour and, more specifically, a violation of his restraining order. See Initial Decision at 2; see also Exhibit R-1 at 3. Subsequently, Petitioner was able to secure temporary housing with an elderly couple where he was provided shelter and compensation in exchange for assisting with daily living activities of the couple. Ibid. In March 2015, Petitioner moved from the premises citing the required care was beyond his skill level due to the husband's recent hospitalization and wife's dementia. See Initial Decision at 2. The ALJ found that Petitioner voluntarily relinquished his shelter with the elderly couple without a plan for securing future shelter and, therefore, cannot qualify for EA benefits. Id. at 3. I agree.

The Petitioner is not eligible to reapply for EA for a period of six months from the effective date of the denial, which in this case will be November 5, 2015.

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

JUN 03 2015

Natasha Johnson
Director