



*State of New Jersey*

**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 10653-14 F.T.

AGENCY DKT. NO. GA914877 (OCEAN COUNTY BOARD 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 because he failed to verify an emergency beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 24, 2014, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 28, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As 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 having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

The purpose of EA is to meet the emergent needs of Work First New Jersey ("WFNJ") recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. 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."

A lack of realistic capacity to engage in advance planning exists when the assistance

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unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing. N.J.A.C.10:90-6.1(c)(1)(i).

EA shall not be provided for a period of six months when the EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, the applicant's or recipient's behavior directly caused the eviction or the adult applicant or recipient abandoned permanent affordable housing. N.J.A.C. 10:90-6.1(c)(3).

The ALJ found that the Petitioner moved from North Carolina to New Jersey due to a job prospect. Petitioner initially stayed with his sister but, after the job prospect did not work out, he temporarily moved in with his cousin. In August 2014, Petitioner, a WFNJ/General Assistance recipient, applied for EA benefits because he was kicked out of his cousin's residence due to a dispute over the use of a car. On August 19, 2014, the Agency denied Petitioner's application for EA due to his failure to verify that his housing emergency was not within his control. Exhibit R-1. During the hearing, the Agency clarified that the denial was due to Petitioner's failure to provide documentation of the job prospect that caused him to move to New Jersey and because the housing with Petitioner's cousin was always intended to be temporary.

The ALJ concluded, and I agree, that Petitioner's circumstances were within his control because he has not demonstrated that there was insufficient time to adequately plan for his relocation. Additionally, I agree with the ALJ that the record indicates that the Petitioner's eviction from his cousin's residence was the result of his own behaviors. As such, the Petitioner is ineligible for EA for a period of six months in accordance with N.J.A.C. 10:90-6.1(c)(3)(vi).

Accordingly, the Agency action is AFFIRMED.

SEP 11 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director