



*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 9894-14 G.M.

AGENCY DKT. NO. C268357 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request as it asserts that Petitioner had the realistic capacity to plan for substitute housing, thus causing her own housing emergency. Additionally, Petitioner was referred to a shelter which she refused. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2014, the Honorable Joann LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 11, 2014, the ALJ issued her Initial Decision affirming the Agency's determination. The ALJ found that Petitioner had been residing in her sister's residence since 2011. See Initial Decision at 2. The ALJ also noted that despite a Consent to Enter Judgment, requiring Petitioner to vacate the property, dated March 25, 2014, and thereby giving Petitioner more than four months notice to vacate and locate alternate housing, Petitioner is still residing at the sister's residence. See Initial Decision at 3. Additional documentation also revealed that Petitioner's sister had asked Petitioner to leave in late October 2013. See Exhibit P-1. The ALJ concluded that Petitioner had ample time to plan for alternate housing, given that she had been residing rent free in the residence since 2011, and therefore, affirmed the Agency decision. See Initial Decision at 3-4.

Exceptions to the Initial Decision were filed by counsel for Petitioner on August 15, 2014.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, I find Petitioner's Exceptions to be without merit. The record in this matter shows that Petitioner has been receiving Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits since early 2012. Petitioner also receives Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Petitioner has been residing, rent free, in her sister's residence since 2011. I concur with the ALJ that Petitioner had ample time to plan in order to avoid her impending housing emergency. Moreover, Petitioner's counsel misconstrues the full applicability of N.J.A.C. 10:90-6.1(c)(1)(ii) regarding consideration by an Agency of the use of available funds by an assistance unit. See Exceptions at 2. Contrary to Petitioner's assertion, she did, in fact, have funds available to her above her rental expenses, which were zero. Petitioner provided no proof that available funds were fully exhausted. See N.J.A.C. 10:6.1(c)(1)(ii). Moreover, as noted by the Agency, Petitioner was referred to a shelter, which she refused. See August 8, 2014, Notification Form at 2.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is AFFIRMED.

**AUG 26 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director