



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 13671-15 I.M.

AGENCY DKT. NO. GA585531 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits because she failed to provide documents necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 14, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed by Petitioner on September 18, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

EA is a supportive service available when 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." See N.J.A.C. 10:90-6.1(c). 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). Where such documentation does not exist, a letter from a person, such as a relative or friend with whom the individual is residing, stating that eviction is imminent or has occurred, shall be accepted by the Agency. *Ibid.*

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Here, Petitioner applied for EA, and her application was denied by the Agency on August 14, 2015, because she failed to provide requested documentation needed to determine EA eligibility. See Initial Decision at 2. Specifically, the record indicates that Petitioner failed to provide a letter from her former employer stating the date and reason for her termination; an ejection or eviction letter from the friend with whom she was staying; proof of residence in the form of mail addressed to her at that location; and proof of her efforts to locate affordable housing. Ibid.

At the hearing, the ALJ found that the Agency has made reasonable efforts to obtain the missing documents by contacting collateral sources; in particular, by reaching out to Petitioner's former employer. See Initial Decision at 2; see also N.J.A.C. 10:90-1.6(a). The ALJ also found that Petitioner has not presented evidence indicating that she has complied with the Agency's request for documents. See Initial Decision at 2. I note further that Petitioner states in her Exceptions that, prior to August 1, 2015, she had been residing at her father's wife's home. See Petitioner's Exceptions dated September 18, 2015. However, Petitioner has not explained why she left that residence to stay temporarily with a friend. Thus, there is nothing in the record to indicate whether Petitioner voluntarily abandoned previous affordable housing, or was evicted therefrom. Based on the foregoing, I concur with the ALJ's conclusion that the Agency properly denied Petitioner EA and, therefore, I find that the Agency's action must stand.

By way of comment, Petitioner may reapply for EA, but she must provide the Agency with all requested documents in order for her eligibility to be determined.

By way of further comment, I note that it was improper for the Agency to ask Petitioner, who was temporarily staying with a friend, to provide documents evidencing the friend's "authority to evict" in the form of the friend's house deed or tax bill. Those types of documents are not required under the WFNJ regulations in order for an EA eligibility determination to be made. Therefore, the Agency should be guided accordingly.

For the foregoing reasons, the Initial Decision is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director