



## 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 12923-14 J.J.

AGENCY DKT. NO. C248429 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits because she had the capacity to plan. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 16, 2014, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On October 17, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's denial of EA benefits. The ALJ found Petitioner knew from June 2014 that she had to vacate her apartment by August 31, 2014, but she failed to make any housing plans. The ALJ further found that Petitioner failed to show that the money she saved for a security deposit, either \$500 or \$1,000, was spent on other appropriate items. Thus, the ALJ concluded that Petitioner caused her own homelessness without good cause.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and record, and I AFFIRM the ALJ's Initial Decision.

Here, Petitioner had the realistic capacity to plan in advance so as to avert her emergency. See N.J.A.C. 10:90-6.1(c)(authorizing EA when homelessness is "due to circumstances beyond [the assistance unit's] control or the absence of a realistic capacity to plain in advance for substitute housing . . ."). Despite being on notice from June 2014 that she had to leave her residence in New York by the end of August 2014, Petitioner arrived in New Jersey without any housing plans. Moreover, Petitioner's testimony regarding her circumstances is questionable. For example, Petitioner appears to have testified to saving \$500 for a security deposit, but then later

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testified to saving \$1,000. Further, Petitioner claimed to have used her security deposit money to replace two tires, but failed to provide any receipts. Therefore, the Agency properly denied Petitioner EA and imposed a six-month penalty. See N.J.A.C. 10:90-6.1(c)(3)(imposing six-month period of EA ineligibility when applicant has caused their own homelessness for reasons including had the capacity to prevent homelessness).

Additionally, the Initial Decision indicates that Petitioner's son is in the custody of the Department of Children and Families ("DCF"). The reference to DCF is assumed to mean that Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P") within the DCF. If Petitioner no longer has custody of her son, then the Agency should re-evaluate Petitioner's eligibility for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Further, in light of Petitioner's involvement with DCP&P, a copy of the Initial and Final Decisions will be sent to DCP&P.

By way of comment, the Agency shall refer Petitioner to any organizations that may be able to assist with her current needs. Also, the Agency is reminded that DFDI #08-1-5 was rescinded by DFDI #08-5-4.

Accordingly, the Initial Decision and Agency action are AFFIRMED.

OCT 28 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director