



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

REMAND DECISION

OAL DKT. NO. HPW 7548-14 J.M.

AGENCY DKT. NO. C255006 (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 application for EA benefits as it contended that Petitioner had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 21, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony and admitted documents into evidence.

The record in the matter closed on August 4, 2014, and on August 20, 2014, the ALJ issued her Initial Decision, reversing the Agency's determination. The Initial Decision notes that subsequent to the hearing, counsel for Petitioner advised the ALJ that Petitioner had an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services, and pursuant to N.J.A.C. 10:90-6.1(c)(6), Petitioner should be provided with EA. See Initial Decision at 2. As a result of this information, the ALJ reversed the Agency determination and ordered the Agency to confer and coordinate with DCP&P. See Initial Decision at 3.

The Agency filed Exceptions to the Initial Decision on August 22, 2014. The Agency notes that Petitioner has exhausted her lifetime limit of EA, as well as two hardship extensions. See Exceptions at 1. The Agency further stated that Petitioner recently had a sanction, which would preclude her from a further extension of EA under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. The Agency reiterated testimony that Petitioner had been terminated from two separate shelter

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placements due to Petitioner's failure to comply with shelter rules. See Exceptions at 2. The Agency noted that attempts had been made to contact Petitioner's DCP&P caseworker to no avail. Ibid. Finally, the Agency indicated that Petitioner refused to complete an application for an extension of EA under HHE. See Exceptions at 3.

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

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See 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."

Based upon the record in this matter, I concur with the Agency that Petitioner has caused her own homelessness in this matter, having been terminated from two separate shelter placements. However, as noted by the ALJ, and acknowledged by the Agency in Exceptions, Petitioner has an open case with DCP&P. N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCP&P], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." The key consideration in this particular matter is whether or not Petitioner "meets all other EA requirements."

Therefore, I am remanding this matter to the Agency to consider Petitioner's EA eligibility, and to consult with DCP&P. If it is determined that Petitioner is eligible for further EA in consultation with DCP&P, coordination of the DCP&P plan, EA service plan and Individual Responsibility Plan shall be ensured. See N.J.A.C. 10:90-6.1(c)(6)(i).

A copy of the Initial and Final Decisions in this matter will be forwarded to DCP&P.

Based upon the foregoing, I REJECT the Initial Decision, AFFIRM the Agency's determination and REMAND the matter to the Agency.

AUG 29 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director