



State of New Jersey

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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 2018-15 J.R.

AGENCY DKT. NO. C296760 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") because she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On February 26, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

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

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 relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). EA benefits shall not be provided for a period of six months when an adult EA benefits applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

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In August 2014, a temporary restraining order ("TRO") was issued against Petitioner after she allegedly assaulted her father in the subsidized apartment which they leased together. Initial Decision at 2-3; Exhibit R-1. Although the criminal charge against Petitioner was ultimately dismissed, she was forced to leave the shared apartment, her name was removed from the lease agreement, and the TRO remained in effect. Initial Decision at 2. Based upon the foregoing, I concur with the ALJ's findings that the Agency appropriately denied EA benefits as a result of Petitioner causing her own homelessness. See *id.* at 3; see also N.J.A.C. 10:90-6.1(c)(3)(vi).

Because the ALJ determined that Petitioner had caused her own homelessness, the ALJ determined that Petitioner was subject to a six-month period of ineligibility for EA benefits. Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3). While the ALJ correctly found that the six-month period of ineligibility should not run from January 21, 2015, the date the Agency denied Petitioner's application for EA benefits, I disagree with the ALJ's conclusion that the six-month period of ineligibility for EA benefits runs from October 16, 2014, the retroactive effective date of Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Initial Decision at 3; Exhibit P-2 at 6. While Petitioner asserts that she applied for EA at that time, and was purportedly told that she was not eligible, see Initial Decision at 3, there is nothing in the record to support that finding. Rather, I find the six-month period of ineligibility runs from December 9, 2014, the retroactive effective date of the Agency's adverse action, see Exhibit R-3, and the Initial Decision is modified accordingly.

By way of comment, Petitioner contends that she was the victim of domestic abuse (verbal) in August 2014. See Initial Decision at 2. Although there is no evidence Petitioner previously requested a referral to the Family Violence Option Initiative ("FVO Initiative"), N.J.A.C. 10:90-4.9(e) nevertheless requires the Agency to make such a referral now, if it has not done so already. See N.J.A.C. 10:90-20.1.

In total, I agree with the ALJ that the Agency appropriately denied EA benefits. A six-month period of ineligibility for EA benefits is hereby imposed. Petitioner may reapply for EA benefits, without prejudice, on June 10, 2015, subject to applicable eligibility criteria. In the interim, the Agency should refer Petitioner to its FVO Initiative representative.

Accordingly, the Initial Decision is MODIFIED and the Agency determination is AFFIRMED.

Signed Copy on File

at DFD, BARA

MAR 19 2015

Jeanette Page-Hawkins
Director