



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 9790-14 J.Z.

AGENCY DKT. NO. C198702 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits because she failed to adequately plan and caused her emergency by voluntarily quitting employment. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2014, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On the same date, the ALJ issued an Initial Decision. According to the Initial Decision, Petitioner applied for benefits shortly before her eviction, which occurred on August 4, 2014. The ALJ found Petitioner eligible for EA because her "termination from employment was far from voluntary, but actually of necessity where she had three children . . . that needed to be attended to on days when her unreliable paramour failed to abide by his agreement" to babysit the children on Sundays. The ALJ ordered the Agency provide Petitioner with EA in the form of Temporary Rental Assistance ("TRA").

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 for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, and I AFFIRM and MODIFY the ALJ's Initial Decision.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. 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 provides 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." However, EA shall not be provided for a period of six months when the individual has caused his/her own homelessness, without good cause, for reasons including that the individual has been terminated from employment. N.J.A.C. 10:90-6.1(c)(3).

Here, although it is implied, the ALJ did not specifically address whether good cause existed in relation to Petitioner's termination from employment pursuant to N.J.A.C. 10:90-6.1(c)(3). Significantly, child care issues provide good cause for leaving employment. See N.J.A.C. 10:90-4.11 and -4.14. Nonetheless, based on the ALJ's findings with respect to the Petitioner's difficulties surrounding child care, I find that good cause existed with respect to the Petitioner's termination from employment. Thus, I agree with the ALJ that Petitioner is eligible for EA because her termination from employment due to child care issues does not bar her from the receipt of EA.

Additionally, the ALJ ordered that the Agency provide EA in the form of TRA. However, the determination as to the most appropriate form of EA to address the Petitioner's situation is within the purview of the Agency. See N.J.A.C. 10:90-6.3(a). Therefore, the Initial Decision is modified to reflect that the Agency shall determine and provide the most appropriate form of EA to address the Petitioner's situation, including a shelter placement, so long as she is otherwise eligible for EA. N.J.A.C. 10:90-6.3(a)1. Significantly, the Initial Decision indicates that Petitioner has already been evicted from her apartment and as such, TRA may be inappropriate at this time.

By way of comment, the Agency and Petitioner should work together to arrange child care so that Petitioner can regain her employment. Any EA service plan should require that Petitioner conduct affordable housing searches and apply for Section 8. In addition, the Agency shall discuss with Petitioner any child support issues and provide assistance or make referrals for legal assistance, as appropriate.

Accordingly, the Initial Decision is AFFIRMED and MODIFIED.

AUG 19 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director