



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 14076-14 K.A.

AGENCY DKT. NO. GA560280 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

Petitioner receives \$140.00 per month in Work First New Jersey/General Assistance cash benefits and \$189.00 in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Petitioner is unemployed and has been living with her elderly parents since 2004. Exhibit P-1 at 1. Petitioner's last position as a security guard ended in December of 2010 and she last rented an apartment on her own in 2003. Id. at 2-3. While living with her parents, Petitioner stated she paid them \$130.00 per month in rent but does not have a lease. Initial Decision at 2. Petitioner's mother submitted a letter to the Agency on August 27, 2014 stating, "[she is] unable to take care of [Respondent] or allow her to live with [her] any longer." Exhibit P-2.

However, Petitioner's mother also states, "she can stay with me until she finds a place to live." Ibid. There is no pending eviction in this matter.

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(c) provides, in relevant 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." 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). When such documentation does not exist, a letter from a landlord or other person serving in such capacity will suffice, subject to Agency verification. Ibid.

Here, Petitioner is neither homeless nor imminently homeless. She has been living with her parents for over 10 years and her mother has stated she will continue to house Petitioner until she is able to secure a new place to live. As such, I agree with the ALJ's conclusion that the Petitioner is not eligible for EA at this time. N.J.A.C. 10:90-6.3(A)(1)(ii).

Should Petitioner's circumstances change, she is free to reapply for EA. However, she must provide the appropriate documentation required by N.J.A.C. 10:90-6.3(a)(1)(ii). Additionally, Petitioner must demonstrate that her homelessness or imminent homelessness is due to circumstances beyond her control or that she lacked the realistic capacity to plan in advance to avoid the emergent situation, N.J.A.C. 10:90-6.1(c)(3), and meet all other applicable EA requirements.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is AFFIRMED.

DEC - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director