



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 12881-14 L.D.

AGENCY DKT. NO. C184816 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application on the basis that Petitioner had caused her own homelessness by failing to pay her rent with her available funds. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2014, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 10, 2014, the ALJ issued her Initial Decision affirming the Agency determination.

Neither party filed an exception.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the 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(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."

However, when the recipient causes her own homelessness, she is ineligible for EA. Ibid.; see also 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 available funds and capacity to prevent homelessness and/or abandoned affordable housing). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2). Additionally, the individual must demonstrate that her shelter costs equal or exceed the total income available to the assistance unit. N.J.A.C. 10:90-6.1(a)(i).

Here, the facts are undisputed. Petitioner received unemployment benefits in the amount of \$1,264.00 per month from January 2014 through June 2014. In March 2014, she received an income tax refund in the amount of \$8,164.00, \$4,000 of which Petitioner used to purchase a car that was later repossessed. Petitioner has not paid her rent since June 2014, and she could not account for \$7,200 of the monies received between January and June 2014.

The ALJ concluded, and I agree, that Petitioner had the available funds to pay her rent but did not do so. Moreover, the Petitioner failed to demonstrate that her available funds were exhausted on items deemed appropriate, necessary, or reasonable for decent living. N.J.A.C.10:90-6.1(c)(1)(ii). As such, the Petitioner has caused her own homelessness without good cause, and is ineligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Agency action is AFFIRMED.

OCT 21 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director