



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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Elizabeth Connolly
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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 900-15 L.S.

AGENCY DKT. NO. C091088 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she failed to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On February 27, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

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 had already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

Here, Petitioner provided a letter allegedly written by her mother's landlord. See Exhibit P-3. The letter states that Petitioner and her child were ordered to leave by him, and having done so, they were not permitted to return. Ibid. However, Petitioner admitted to the Agency, in her application for EA, that she continues to reside with her mother. Exhibit R-1 at 3.

The ALJ stated that the landlord did not appear to testify, and the letter allegedly written by him, asserting that Petitioner had vacated her mother's residence at his demand, was no more than a document purported by Petitioner to be authentic. See Initial Decision at 2. As such, the ALJ found that the Petitioner did not show that she was presently eligible for EA, and therefore, the Agency had properly denied EA benefits. Ibid. I agree.

Petitioner may reapply for EA benefits, subject to applicable eligibility criteria.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

MAY 11 2015

Natasha Johnson
Director