



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 10375-14 N.B.

AGENCY DKT. NO. C231818 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 25, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 28, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination, but nevertheless directed the Agency to provide EA in the form of a shelter placement.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby MODIFY the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

Shortly after the birth of twins in May 2014, Petitioner abandoned the birth father's mother's apartment and entered into a month-to-month lease agreement for an apartment of uncertain size. Unemployed, Petitioner did not pay a security deposit, and has not paid any rent or utilities. In late July, Petitioner signed a consent judgment and agreed to pay arrearages, late charges and attorney's fees of more than \$4,500.00 by the end of August, and rent going forward. Two weeks later,

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Petitioner applied for EA in the form of retroactive and prospective temporary rental assistance, including rent and utilities, in the total amount of more than \$7,000.00.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

EA is available where 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).

"EA shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

There is sufficient credible evidence Petitioner voluntarily left permanent affordable housing without a plan for substitute housing, thereby caused her own homelessness and as a result is ineligible for EA for a period of 6 months. Having affirmed the denial of EA on this basis, the ALJ inappropriately directed the Agency to provide EA in the form of a shelter placement.

By way of comment, the partial lease agreement provides for two adult tenants, and one of the statements submitted by Petitioner in support of her appeal appears to be signed by the infants' birth father. Exhibits P-1 and P-3. I recommend the Agency determine the composition of WFNJ/TANF household and evaluate total countable household income in the event Petitioner later reapplies for EA. See N.J.A.C. 10:90-4.13(c).

In accordance with the ALJ's Initial Decision, I will send copies of the Initial and Final Decisions to the Division of Child Protection and Permanency, f/k/a the Division of Youth and Family Services, to ensure the protection of the health, safety and welfare of Petitioner's children. See Initial Decision at 6.

For the foregoing reasons, I MODIFY the Initial Decision and AFFIRM the Agency determination.

SEP - 8 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director