



*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 13271-14 Q.A.

AGENCY DKT. NO. GA526792 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 24, 2014, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On October 27, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted exceptions on October 30, 2014.

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

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In September 2014, the Agency closed Petitioner's WFNJ/GA case and denied EA after it discovered Petitioner received SNAP and Medicaid benefits from Essex County as part of her mother's assistance unit. N.J.A.C. 10:90-2.11(b)(1); -6.2(a). In October, the Agency reopened the WFNJ/GA case after Petitioner documented her removal from her mother's SNAP case. In mid-October, the Agency again denied EA, in material part based upon Petitioner's capacity to plan and the lack of a documented emergency. N.J.A.C. 10:90-6.1(c); -6.3(a)(1)(ii).

The ALJ found "Petitioner provided no documentation as to any past employment.

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Petitioner's testimony was inconsistent as to where and with whom she lived prior to [a private shelter], and conflicted with information she gave to [the Agency] at the time of [her EA] application. In addition, neither [of two letters], ostensibly from the [shelter director], is dated or notarized, and the first letter states that Petitioner had been living there for three years, but the second letter states that Petitioner has been living there for four years. Given the inconsistent documents and testimony, and Petitioner's recent receipt of benefits in Essex County, I conclude that Petitioner has failed to document her homelessness, and is ineligible for EA."

Petitioner is the primary source of eligibility information and is responsible to provide all documentation required to establish eligibility for assistance. N.J.A.C. 10:90-1.6(a); -2.2(a)(5).

EA is in relevant part available when there has been "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 in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

Petitioner provided materially incomplete and inconsistent information to the Agency in connection with her application for EA. The ALJ appropriately rejected undated, inconsistent, and otherwise questionable letters from the private shelter director.

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

NOV 06 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director