



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 3281-15 S.S.

AGENCY DKT. NO. C082085 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she is not in a state of homelessness or imminently homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 19, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's 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 in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, 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). 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.

According to the record, Petitioner and her child have resided with her mother since approximately October of 2013. See Exhibit R-1 at 2. Although the record includes a letter from Petitioner's mother, dated December 9, 2014, indicating that Petitioner could no longer live with her, at the time Petitioner applied for EA benefits on March 2, 2015, and as of the date of the hearing before the ALJ, Petitioner had moved to a motel and, as of March 7, 2015, was gainfully employed. See Initial Decision at 2-3; see also Exhibit R-1 at 7. Therefore, Petitioner was not homeless or imminently homeless at the time she applied for EA benefits.

Accordingly, the ALJ found that there was no evidence that Petitioner was homeless or in imminent danger of homelessness. See Initial Decision at 3. I agree with the ALJ's conclusion.

By way of comment, should Petitioner become homeless or be in danger of imminent homelessness, Petitioner may reapply for EA benefits provided she is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. However, Petitioner is advised that the Agency shall determine the most appropriate form of emergency housing necessary to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Based on the foregoing, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

MAR 26 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director