



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Jennifer Velez  
Commissioner

Jeanette Page-Hawkins  
Director  
Tel. (609) 588-2000

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 3159-15 T.B.

AGENCY DKT. NO. GA312421 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits in the form of shelter placement because she purportedly violated the shelter's rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On March 12, 2015, the ALJ issued her Initial Decision reversing the Agency's determination. The ALJ found Petitioner presented credible testimony that warranted the retention of her EA benefits, and that the Agency's representative had no knowledge of the underlying facts nor presented any documentation to refute Petitioner's testimony. See Initial Decision at 3-4. The ALJ directed that the Agency reinstate Petitioner's EA benefits, and in light of Petitioner's allegations of unwarranted physical contact by a shelter employee, select an alternate shelter placement for Petitioner. *Ibid.*

As the Deputy Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

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). When a WFNJ recipient qualifies for EA, "the county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. Ibid.

If a recipient violates the shelter's health and safety policies or behaves in a threatening or disruptive manner that affects the operations of the shelter or the safety of fellow residents, then the recipient's EA benefits must be terminated for a period of six months. N.J.A.C. 10:90-6.3(c)(3),(5).

I find that Petitioner's testimony, regarding the incident surrounding her purported violation of the shelter's rules, appears to substantiate the ALJ's decision to reverse the Agency's determination to terminate Petitioner's EA benefits, particularly, because the Agency's representative had no knowledge of the case and provided no documents to substantiate that Petitioner violated her shelter's rules. See Initial Decision at 3-4. Accordingly, I agree with the ALJ that the Agency improperly terminated Petitioner's EA benefits and she is to be offered a different shelter placement from the one where she previously resided. Id. at 4.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is REVERSED.

*Signed Copy on File*  
at DFD, BARA

MAR 24 2015

---

Natasha Johnson  
Deputy Director