



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 16865-14 T.R.

AGENCY DKT. NO. GA376479 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioners, a husband and wife, appeal the Respondent Agency's denial of Emergency Assistance ("EA") because they moved to New Jersey without a plan for substitute housing and employment. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 30, 2014, the ALJ issued an Initial Decision which reversed the Agency determination. The ALJ found Petitioners had a plan and that it failed because of an argument with the parents of Petitioner wife, the owners of the home to which they had moved.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT 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 in the absence of a

realistic capacity to plan in advance for substitute housing.” However, when the recipient causes her own homelessness, she is ineligible for EA. Ibid; see also N.J.A.C. 10:90-6.1(c)(3)(imposing a six-month period of ineligibility when applicant has caused their own homelessness for reasons including having had available funds and capacity to prevent homelessness and/or abandoned affordable housing). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2). Additionally, the individual must demonstrate that her shelter costs equal or exceed the total income available to the assistance unit. N.J.A.C. 10:90-6.1(a)(1).

In 2013, the Pennsylvania Department of Human Services granted Temporary Assistance for Needy Families (“TANF”) cash assistance after Petitioner husband lost his job. Initial Decision at 2; Exhibit R-1 at 2.

Allegedly homeless, Petitioners moved to New Jersey in or about March 2014 and took up temporary residence with the parents of Petitioner's wife, who themselves were caring for a functional needs daughter and planning to move. Initial Decision at 2; Exhibit R-1 at 12. At the time Petitioners left Pennsylvania, the Philadelphia Department of Human Services (“PDHS”) had an open case against Petitioners. Exhibit R-1 at 12.

In September 2014, the Agency granted Work First New Jersey/Temporary Assistance for Needy Families (“WFNJ/TANF”) and denied EA, the latter action apparently based upon Petitioners’ alleged failure to plan for substitute housing when they moved from Pennsylvania to New Jersey. Exhibit R-1 at 6, 8. Petitioners submitted, but later withdrew a fair hearing request in connection with the denial of EA. Exhibit R-1 at 6.

In early to mid-October 2014, the parents of Petitioner's wife evicted Petitioners from their home after a fight. Exhibit R-1 at 3-4. In mid-October 2014, the Division of Child Protection and Permanency (“DCP&P”), f/k/a DYFS, obtained temporary, court-ordered custody of Petitioners’ children. Initial Decision at 2-3; Exhibit R-1 at 39-45.

In early December 2014, the Agency terminated WFNJ/TANF and granted WFNJ/General Assistance (“WFNJ/GA”) benefits to Petitioners based upon changed household composition. Exhibit R-1 at 9. The Agency contemporaneously denied EA, again based upon having had a realistic capacity to plan for permanent housing prior to moving to New Jersey from Pennsylvania. Exhibit R-1 at 7. Petitioners have been “living in motels when they have enough cash or they live on the street.” Initial Decision at 3.

Based upon the record presented, it is clear that Petitioners had no objectively reasonable job prospects when they moved to New Jersey, and knew the parents of

Petitioner's wife cared for a daughter with substantial functional needs and were planning to move by the end of 2014. See Exhibit R-1 at 12. As the record further shows, at the time that Petitioners left Pennsylvania, they had an open case with PDHS. See Exhibit R-1 at 7. Petitioners now have an open DCP&P case here in New Jersey and do not have custody of their children.

There is no evidence in this difficult case to support that the granting of EA benefits will result in, or assist in, the reunification of Petitioners' family. As such, I concur with the Agency's determination in this matter that Petitioners came to New Jersey with no realistic plan. Petitioners are ineligible for EA benefits for a period of six months beginning December 9, 2014. See N.J.A.C. 10:90-6.1(c)(3).

Copies of the Initial and Final Decisions will be sent to DCP&P because the Initial Decision indicates Petitioners are involved in an open DCP&P matter.

Accordingly, the Initial Decision is REJECTED and the Agency determination is AFFIRMED.

JAN 26 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director