



*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 10216-14 T.W.

AGENCY DKT. NO. C367898 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the 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 19, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 20, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

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

In April 2014, Petitioner and her mother rented an apartment for Petitioner, Petitioner's two minor children and her sister. Petitioner was in the custody of local correctional authorities for approximately two weeks beginning in late May. As a result, Petitioner was separated from two jobs and apparently denied unemployment insurance benefits. Petitioner began receiving Work First New Jersey/Temporary Assistance for Needy Families benefits in July. Shortly thereafter, Petitioner was allegedly evicted from her apartment for non-payment of rent. Petitioner is temporarily staying with a friend.

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). However, the Agency shall not provide EA for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause, for reasons that include, but are not limited to, the capacity to prevent homelessness. N.J.A.C. 10:90-6.1(c)(v).

Petitioner did not appropriately document the reason why she vacated her apartment, which may or may not have been affordable in the first instance. N.J.A.C. 10:90-6.3(a)(1)(ii). Moreover, there is no document evidence Petitioner, despite two jobs, ever paid any rent. In addition, there is no document evidence Petitioner exhausted available funds on items deemed "appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(iii).

Based upon the foregoing, and under the totality of the circumstances, Petitioner has not established she is homeless due to circumstances beyond her control or that she lacked the capacity to plan for substitute housing. To the contrary, there is sufficient credible evidence Petitioner's actions materially contributed to, and therefore caused her own homelessness.

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

AUG 28 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director