



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 16520-14 W.V.

AGENCY DKT. NO. C032059 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because she had the capacity to prevent imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 26, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

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 ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). In relevant part, a lack

of realistic capacity to plan exists when the assistance unit can document that it 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)(ii).

The record in this matter reveals that on October 6, 2014, Petitioner applied for EA in the form of retroactive Temporary Rental Assistance ("TRA") in the total amount of \$1,855.00 and payment of several hundred dollars for outstanding utility bills. Initial Decision at 2; Exhibit R-1 at 17-20, 34, and 37. On November 24, 2014, the Agency, in relevant part, denied EA because Petitioner had the realistic capacity to plan to prevent homelessness. Initial Decision at 2; Exhibit R-1 at 2-4. Specifically, the Agency alleged Petitioner had sufficient and available savings, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, Unemployment Insurance Benefits ("UIB"), and earned income. Ibid.

Notwithstanding the foregoing, the record further reveals that the Agency paid \$1,855.00 in retroactive TRA on December 23, 2014, the amount sought by Petitioner. Initial Decision at 2; Exhibit R-1 at 61. As stated by the ALJ, "the rent issue [is] now resolved," and as such, I find that portion of Petitioner's appeal to now be moot.

While the Agency paid the retroactive rent, it is unclear as to why the Agency did not also pay an outstanding utility bill in the approximate amount of \$250.00. Initial Decision at 2. N.J.A.C. 10:90-6.3 (a)(5) states that retroactive utility payments are permitted as a form of EA "if it will prevent the loss of utilities or make utilities operable." The record does include a utilities notice indicating an overdue amount which could result in a disconnection of services. See Exhibit R-1 at 34. However, I would not categorize this notice as a shut off notice. As such, Petitioner is without prejudice to reapply for EA in the form of retroactive utilities if needed, pursuant to the cited regulatory above, and if eligible.

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

Signed Copy on File
at DFD, BARA

MAR 18 2015

Jeanette Page-Hawkins
Director