



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 3671-15 A.G.

AGENCY DKT. NO. C036684 (SALEM COUNTY BOARD 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 imminent homelessness due to circumstances beyond her control or in the absence of a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 23, 2015, the ALJ issued an Initial Decision, which reversed 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 REVERSE 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 and continue on the 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 pertinent 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 the absence of a realistic capacity to plan in advance for substitute housing." 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.

The record clearly indicates that Petitioner is a victim of domestic violence, as a final restraining order was issued on December 18, 2014. See Initial Decision at 2; Exhibit R-1 at 10. Additionally, as a result of the domestic abuse, Petitioner has been diagnosed with post-traumatic stress disorder, and is taking medication for this disorder. See Initial Decision at 2. Further, the record indicates that Petitioner left her affordable housing in late 2013 or early 2014 due to domestic violence. Id. at 3, 5. Thereafter, for safety and security purposes, Petitioner and her two children moved in with her father, where she resided until she had to move because the home had no heat. Id. at 3. This move is substantiated by a letter written by her father. See Exhibit R-1 at 15. Then, Petitioner and her children moved in with her grandmother for two months but were unable to stay due to lack of space. See Initial Decision at 3. This move is also substantiated by a letter written by her grandmother. See Exhibit R-1 at 12. After that, Petitioner resided in a women's shelter from January 6, 2015, to March 17, 2015, when she had to leave because the shelter's program expired or ran out of funding. See Initial Decision at 2. Since then, Petitioner has been staying with family, friends or in motels. Ibid. While still at the shelter, Petitioner applied for EA benefits but was denied by the Agency because, purportedly, she was not in immediate risk for domestic violence, she failed to verify that she could no longer live with her grandmother, and she caused her own homelessness when she moved from affordable housing in 2013. See Exhibit R-1 at 2.

However, the ALJ found, and I concur, that Petitioner was concerned for the safety of herself and her children, and her circumstances necessitated her move from affordable housing in 2013. Significantly, EA benefits are "available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7). Additionally, I find Petitioner is currently homeless, or in danger of imminent homelessness, as substantiated by her grandmother's and the shelter's letters. See Initial Decision at 2; see also Exhibit R-1 at 8, 12.

Here, I agree with the ALJ's finding that Petitioner is eligible for EA benefits because she is homeless or in imminent danger of homeless due to circumstances beyond her control, and that the Agency improperly denied her EA benefits. Accordingly, the Agency shall determine the most appropriate form of EA benefits and number of EA units for Petitioner's situation. See N.J.A.C. 10:90-6.3(a)(1).

By way of comment, it appears from the record, that Petitioner suffers from mental health issues because of domestic violence and has been unable to comply with her Work First New Jersey work activity. See Initial Decision at 2; see also Exhibit R-1 at 5. Therefore, the Agency should refer Petitioner for a mental health assessment. Additionally, while it appears that the Agency may have already referred the Petitioner for a Family Violence Option ("FVO") Risk Assessment, a copy of the Assessment was not included in the record. As such, the Agency shall refer the Petitioner for a FVO if it has not done so already. N.J.A.C. 10:90-20.1 et seq.

Finally, it appears from the record that the Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"). Accordingly, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's children.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

**APR - 6 2015**

*Signed Copy on File*

at DFD, BARA

---

Natasha Johnson  
Director