



*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 12570-14 A.J.

AGENCY DKT. NO. C225508 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because it contended that Petitioner did not comply with her service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 3, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

"Receipt of [EA] is contingent upon the recipient's taking reasonable steps toward resolving the emergent situation." N.J.A.C. 10:90-6.6(a). "Failure to comply with the mandatory activities of the [SP] without good cause shall result in the termination of EA benefits for a period of six months." Ibid.

The Agency terminated Petitioner's EA benefits, contending that she violated her Service Plan ("SP"). Specifically, the Agency contends Petitioner failed to consistently perform job searches and was terminated from a shelter placement. See Initial Decision at 2. Petitioner contends she substantially complied with her job search requirement and was not terminated from the shelter placement for cause. See *id.* at 2-3. The ALJ agreed with Petitioner and concluded that she had substantially complied with the SP. See *id.* at 4. The ALJ further concluded that as the Agency had proffered no witnesses to contradict Petitioner's account of what had occurred at the shelter, Petitioner had complied with the shelter's rules and regulations. Ibid. I agree.

Based upon the foregoing, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

FEB 11 2015

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director