



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 15997-14 A.L.

AGENCY DKT. NO. C023478 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits and the imposition of a six-month penalty. The Agency denied Petitioner an extension of EA benefits because she voluntarily quit her job, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 20, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions were filed by Legal Services of New Jersey on February 6, 2015, requesting an expedited review of the Initial Decision.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, 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 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). Additionally, "EA assistance shall not be provided for a period of six months to the entire household in which the recipient adult member voluntarily quits employment without good cause while receiving [EA] assistance." N.J.A.C. 10:90-6.1(c)(3).

N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, "The Agency may authorize [Temporary Rental Assistance] when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent ("FMR")."

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to any three calendar months of retroactive rental payments if it will prevent actual eviction or foreclosure. Payment for more than three calendar months of retroactive rental payments shall be made only under extraordinary circumstances subject to authorization by DFD.

Here, the record indicates that as of September 2014, Petitioner was two months behind on her rent and facing imminent homelessness. See Exhibit R-1 at 21-23. Then, on September 24, 2014, Petitioner applied for an extension of EA benefits in the form of back rent. See *id.* at 6-20. Thereafter, on October 10, 2014, the Agency denied Petitioner's application because, purportedly, she voluntarily quit her job, thereby causing her own homelessness, and imposed a six-month penalty of ineligibility for EA benefits on her entire household. See *id.* at 2.

Upon a review of the record, I agree with the ALJ's finding that the fax received from the Temp Agency, indicating that Petitioner voluntarily quit her employment with them, did not meet the requirements for the admission of hearsay as set out in the Residuum Rule, and therefore could not be considered as proof of a voluntary quit by Petitioner. See Initial Decision at 3. Additionally, the ALJ found credible Petitioner's testimony wherein she stated that she still works temporary jobs for the Temp Agency, but there had been no work available for her recently. See *id.* at 2, 3. Accordingly, I find that the record shows that Petitioner did not voluntarily quit her job, and therefore, the Agency improperly denied Petitioner's household an extension of EA benefits.

When Petitioner applied for, and was improperly denied, an extension of EA benefits, she was only two months behind on her rent, now she is more than three months behind on her rent, through no fault of her own. See Exhibit R-1 at 21, 23. Accordingly, these are extraordinary circumstances and the totality of her back rent should be paid. See N.J.A.C. 10:90-6.3(a)(5). Although the record indicates that Petitioner's monthly rent is \$1,100 per month, it does not indicate how many bedrooms there are or if utilities are included in the rent. However, pursuant to the FMR for Salem County, her monthly rent of \$1,100 does not exceed the FMR for a two, three, or four bedroom apartment in that county. See DFDI 14-10-01.

By way of comment, I note that it appears from the record that Petitioner's household composition includes an adult child, which must be taken into consideration. See Exhibit R-1 at 8.

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

Signed Copy on File
at DFD, BARA

MAR 02 2015

Jeanette Page-Hawkins
Director