



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Jennifer Velez  
Commissioner

Jeanette Page-Hawkins  
Director  
Tel. (609) 588-2000

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 1914-15 C.B.

AGENCY DKT. NO. C249898 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because her imminent homelessness was allegedly the result of a voluntary cessation of employment without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, admitted documents into evidence, and issued an Initial Decision which reversed the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on February 20, 2015.

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 REVERSE 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). EA benefits shall not be provided for a period of six months when the behavior of an adult EA benefits applicant or recipient has directly caused his or her homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3)(vi).

The record indicates that Petitioner moved from New York to New Jersey in August 2014, and soon thereafter, was laid off from her full-time job. Initial Decision at 2-3; Exhibit P-1. The record further shows that Petitioner used savings and her minor

son's Supplemental Security Income ("SSI") benefits to pay rent on a new apartment in September and October 2014. Initial Decision at 3. In December 2014, the Agency granted Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits. Ibid.; see also Exhibit R-2. In January 2015, the Agency denied EA benefits based upon an unsigned letter from Petitioner's former employer dated January 6, 2015, which stated that Petitioner was separated because of "incompetence and poor work performance." Initial Decision at 3; Exhibit P-5. That same letter was then retracted by Petitioner's former employer on February 5, 2015, stating Petitioner was let go "because of insufficient work available. Initial Decision at 3; Exhibit P-6. Based upon the foregoing, the ALJ concluded, and I agree, that Petitioner did not voluntarily cease her employment, and further, that she moved to New Jersey with good cause and a plan for self-sufficiency. See Initial Decision at 4-5.

I note that although not a basis for its adverse action, the Agency correctly asserts that Petitioner's total rent exceeds applicable Fair Market Rent ("FMR") of \$1315.00 by \$67.00, exclusive of utilities pursuant to N.J.A.C. 10:90-6.3(a)(7). Exhibit R-3. In exercising my discretion to authorize EA benefits in excess of FMR, I emphasize the ALJ's finding, with which I concur, that one of the primary reasons for Petitioner's move from New York to New Jersey was to enroll her child with functional needs in a better school system, see Initial Decision at 2, and there seems little benefit in compelling him to again change schools several months before the end of the school term. In addition, I note that Petitioner's full-time WFNJ work activity extends through October 2015 and is located along a major bus route approximately two and a half miles from her present apartment. Exhibits P-7, P-8. Furthermore, Petitioner previously paid a security deposit and is now more than half-way through her lease term, thereby providing adequate time for her to search for more affordable, below-FMR housing. Finally, Petitioner's landlord previously reduced the rent by \$118.00 and agreed to forebear execution of a warrant of removal pending determination of Petitioner's appeal. Exhibits P-1 through P-4. N.J.A.C. 10:90-6.3(a)(7)(i).

Based upon the foregoing, I concur with the ALJ that Petitioner is eligible for retroactive and prospective EA benefits, in an amount in excess of FMR, through the expiration of her present lease agreement so long as she remains EA eligible. N.J.A.C. 10:90-6.3(a)(7)(i); -6.3(a)(5)(i). Furthermore, I recommend Petitioner and the Agency sign Individual Responsibility and Service Plans which reflect appropriate consideration of the above circumstances. N.J.A.C. 10:90-6.3(a)(7)(ii).

By way of comment, I carefully reviewed the exceptions filed by the Agency, and conclude that the ALJ appropriately exercised her discretion to exclude the January 2015 letter from the employer as unsupported hearsay. Initial Decision at 3-4. In contrast, the February 2015 letter from the employer, supported by Petitioner's credible testimony and a series of cellular telephone text messages, expressly retracts the January 2015 letter and affirmatively states that "after looking into

[Petitioner's] employment, the reason she was let go was because of insufficient work available." Initial Decision at 2-4; Exhibits P-5, P-6. As such, I decline to reject the weight of the credible evidence in favor of unsupported and inadmissible hearsay, and find the Agency's exceptions to be without merit.

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

**FEB 26 2015**

*Signed Copy on File*  
at DFD, BARA

---

Jeanette Page-Hawkins  
Director