



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 14802-14 C.H.

AGENCY DKT. NO. C249563 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA"). The Agency denied the Petitioner's application as it claimed that the documentation submitted by Petitioner, to prove homelessness or imminent homelessness, was falsified. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 26, 2014, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents into evidence.

On November 26, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ found that the documentation presented by Petitioner, specifically a filed Landlord/Tenant action evidencing eviction by ejectment, established that Petitioner met the criteria for an emergency pursuant to N.J.A.C. 10:90-6.1(a). See Initial Decision at 3; see also Exhibit R-2. As such, the ALJ ordered that the Agency's determination be reversed. See *id.* at 3.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients. See 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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

A review of the documentation entered into evidence at the hearing before the ALJ clearly shows that Petitioner was a named defendant to the eviction action filed in Landlord/Tenant Court. See Exhibit R-2. As such, I concur with the ALJ that Petitioner has provided proof of homelessness.

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

DEC 11 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director