



*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 10705-14 D.C.

AGENCY DKT. NO. GA398864 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits as it contended that Petitioner had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2014, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 2, 2014, the ALJ issued his Initial Decision, affirming the Agency's determination. Finding that Petitioner's testimony was not credible, the ALJ found that Petitioner had not met her burden of proof to substantiate that Petitioner's homelessness was outside her control and that Petitioner's actions had, indeed, caused her own homelessness. See Initial Decision at 5-6.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on September 4, 2014. Petitioner's counsel asserts that Petitioner's curfew violations, at the shelter where she had been placed, were "de minimus," and should not have resulted in her termination from the shelter, nor now preclude her from receiving EA. See Exceptions at 2.

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 hereby ADOPT the Initial Decision, and AFFIRM the Agency's determination.

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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).

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."

The record in this matter reveals that even before Petitioner's ejection from the shelter, Petitioner was evicted from prior affordable housing because of a pet. See Exhibit R-7. As such, I concur with the Agency that Petitioner has caused her own homelessness in this matter and is not eligible for EA.

By way of comment, I find Petitioner's assertion in the Exceptions, that the curfew violations were "de minimus" and therefore should not have resulted in her disqualification from EA, to be without merit. As noted above, Petitioner was evicted from prior affordable housing due to a pet, which was a violation of Petitioner's lease. See Fair Hearing packet at 41. Petitioner's actions, both in being evicted, and in violating the shelter curfew on more than one occasion, show a disregard for following established rules and guidelines, which has now caused Petitioner's housing emergency and was plainly avoidable.

A copy of the Initial and Final Decisions will be forwarded to the Division of Child Protection and Permanency to ensure that the health, safety and welfare of Petitioner's unborn child will be protected.

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

**SEP 11 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director