



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 9632-14 E.C.

AGENCY DKT. NO. C219652 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 8, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 11, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As 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.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied EA and contends Petitioner had adequate time to plan for substitute housing. The ALJ reversed the Agency determination after finding Petitioner unexpectedly lost her job when the employer went out of business, and that she lacked the ability to plan in advance for substitute housing.

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).

In relevant part, EA is indicated when "shelter costs equal or exceed total recorded income ... and the recipient is unable to document other sources of income" or when the applicant's income is reduced "as a result of the reduction in WFNJ benefits or other available income, through no fault of the individual or family." N.J.A.C. 10:90-6.1(a)(1) and (a)(3).

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).

There is sufficient credible evidence that Petitioner unexpectedly lost her job at the end of March 2014, and was not eligible for unemployment insurance benefits because she was determined to be an independent contractor. As such, Petitioner lacked the capacity to plan in advance for substitute housing.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

AUG 19 2014

Signed Copy on File.
at DFD, BARA

Jeanette Page-Hawkins
Director