



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

REMAND DECISION

OAL DKT. NO. HPW 15217-14 E.R.

AGENCY DKT. NO. C344990 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied the Petitioner's application because she had not provided proof of imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 25, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents into evidence.

On November 25, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ found that, based on the evidence presented at the hearing, specifically, the notice of a pending eviction hearing for non-payment of rent, that Petitioner met the criteria for an emergency pursuant to N.J.A.C. 10:90-6.1(a). See Initial Decision at 2-3. 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 REJECT the Initial Decision, AFFIRM the Agency's determination and REMAND to the Agency for further evaluation.

Page 2

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 record reveals that at the time that Petitioner applied for EA benefits she did not have any proof of imminent homelessness. As such, the Agency was correct in its determination to deny EA benefits on September 16, 2014. See Exhibit R-1 at 2.

On the date of the hearing before the ALJ, however, Petitioner provided proof of a landlord/tenant action having been filed by Petitioner's landlord on October 17, 2014, for non-payment of rent, with a hearing date scheduled for December 4, 2014. See Exhibit P-1 at 3-5. In light of this documentation, I am remanding this matter back to the Agency for expeditious review and re-evaluation of Petitioner's eligibility for EA benefits. I further direct that if Petitioner has received a Warrant of Removal, she is to forward a copy of same to the Agency.

Based upon the foregoing, I hereby REJECT the Initial Decision, AFFIRM the Agency's action and REMAND the matter back to the Agency for further evaluation as outlined above.

DEC 10 2014*Signed Copy on File*

at DFD, BARA

Jeanette Page-Hawkins
Director