



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 11743-15 E.S.

AGENCY DKT. NO. GA589010 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits and imposition of a six-month period of EA ineligibility. The Agency denied Petitioner's EA request because he refused a shelter placement deemed appropriate for him. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 12, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the same day, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination.

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." EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

N.J.A.C. 10:90-1.3 provides that "all applicants for [Work First New Jersey ("WFNJ")]

shall be evaluated for immediate need at the time of application. If [the Agency] determines that immediate need exists ... and subject to the applicant appearing to meet all other program eligibility requirements, the Agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made."

Only WFNJ and Supplemental Security Income recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). When a WFNJ recipient qualifies for EA benefits, the "county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. *Ibid.* Although every effort is made to locate suitable housing in the municipality of a recipient's permanent residence, the recipient shall be obliged to accept housing or shelter outside that municipality if housing is not available. N.J.A.C. 10:90-6.6(a)(1)(i)((1)). An adult EA recipient who incurs two or more terminations from an EA placement will result in a loss of EA for a period of six months. N.J.A.C. 10:90-6.3(e)(1).

With the foregoing regulatory authority in mind, it appears from the record in this matter that Petitioner was initially provided with immediate need at a shelter in Elizabeth, NJ. See N.J.A.C. 10:90-1.3. However, when Petitioner failed to complete the required work activity to become eligible for WFNJ/General Assistance ("WFNJ/GA") benefits, that immediate need stopped. *Ibid.*; see also N.J.A.C. 10:90-1.2(f)(8). Once Petitioner completed the required work activity, Petitioner became eligible for WFNJ/GA, and by extension, EA benefits. See N.J.A.C. 10:90-6.2(a). At that time, it appears that Petitioner was then given a two-week voucher for placement at a shelter in Newark, from July 2 to July 15, 2015. See Initial Decision at 2. Petitioner was then advised to return to the Agency in several weeks to see if there was availability at the shelter in Elizabeth. *Ibid.* However, Petitioner never went to the shelter in Newark because he only wished to be in Elizabeth, and had a dislike for Newark. See Initial Decision at 2-3. As Petitioner refused the Agency's placement at the Newark shelter, the Agency denied him EA, effective July 2, 2015, the original date of his EA eligibility, and imposed a six-month EA penalty. See Initial Decision 2-3. Based upon these facts, the ALJ agreed with the Agency's determination to deny Petitioner EA benefits. I concur.

By way of comment, as discussed above, the record in this matter supports that Petitioner was initially provided with immediate need in the form of shelter. Upon failing to comply with the requirements to become eligible for WFNJ/GA benefits, Petitioner's immediate need ceased. See N.J.A.C. 10:90-1.3. This is distinguishable, however, from an EA termination, which occurs after a WFNJ recipient has already

become eligible to receive, and is receiving, EA benefits. As such, Petitioner is subject to a six-month EA penalty in this matter because Petitioner caused his own homelessness, without good cause, for refusing a shelter placement which had been deemed appropriate. See N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, I note that the transmittal in this matter reflects contested issues pertaining to the sanctioning of Petitioner's Supplemental Nutritional Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, as well as a sanctioning of Petitioner's WFNJ/GA benefits. These issues, however, are not addressed in the Initial Decision, and as such, I make no finding on these issues. Petitioner is without prejudice to request another fair hearing on these issues alone if they still remain contested.

Based upon the foregoing, I hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination in this matter.

AUG 31 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director