



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 7852-14 F.J.

AGENCY DKT. NO. C322356 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA"). Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 1, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 1, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions were filed to the Initial Decision.

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 accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Petitioner received Unemployment Insurance Benefits ("UIB") in the amount of \$354 per week during the weeks ending December 7, 2013 through March 15, 2014 until exhaustion of his benefits. Petitioner failed to pay his rent in the amount of \$800 for March 2014 and the months thereafter. In addition, Petitioner had an unpaid balance of \$839.88 due for his gas and electric utility bill. Although the landlord sent Petitioner a letter requesting payment for the unpaid rent, the landlord had not

initiated eviction proceedings. In addition, Petitioner had not received a termination of

service notice from the utility. Petitioner testified that he used \$150 per month of his income to pay for child support. Petitioner further testified that the balance of his income was used for food, transportation and clothing, but he did not quantify the amount allocated to each category nor did he provide any receipts for these expenses.

N.J.A.C. 10:60-6.1(c) provides that emergency assistance is available when there is an actual or imminent eviction from housing and the assistance unit is homeless or will be imminently homeless due to circumstances beyond its control due to the absence of a realistic capacity to plan. The ALJ determined that Petitioner failed to use available funds from his UIB to pay his rent in March or to make payments on the unpaid utility bill. Petitioner was not in receipt of an eviction notice from his landlord or a termination of service notice from the utility at the time of the hearing. Thus, the ALJ has properly held the Petitioner ineligible for EA. Consequently, Petitioner is not entitled to receive retroactive rental or utility payments under N.J.A.C. 10:90-6.3(a)5.

Accordingly, the Initial Decision in the action is hereby ADOPTED and the Agency action is AFFIRMED.

SEP 22 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director