



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 1975-15 F.L.

AGENCY DKT. NO. GA573346 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application because it contended that Petitioner failed to provide proof of an actual emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On February 18, 2015, the CALJ issued an Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the CALJ's Initial Decision, and I ADOPT the CALJ's Initial Decision and REVERSE the Agency determination.

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."

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The record in this matter shows that Petitioner applied for EA on January 9, 2015. See Exhibit R-2 at 7. The CALJ noted that Petitioner, having nowhere to live, visited the Newark Department of Urban Development, and it arranged a charity stay at the local "Y" for the Petitioner. See Initial Decision at 2. Petitioner, after having exhausted her charity stay and an inclement-weather extension by the Y, was facing eviction. See Initial Decision at 2; Exhibits P-1, P-2 and P-3. Petitioner made eleven visits to the Agency to resolve the EA housing issue prior to the denial of her application on January 22, 2015. See Initial Decision at 3; Exhibit P-4 front and back at 1 to 20. At the hearing, the Petitioner presented a Service Referral from the Y that stated Petitioner was in need of a Behavioral Health Screening and treatment services. See Initial Decision at 3; P-6. The Agency's representative testified at the hearing that she had not seen the Petitioner's materials from the Y that indicated that Petitioner had to leave the Y and was in imminent danger of being homeless. See Initial Decision at 3; Exhibits P-1 and P-2. The Agency's representative also testified that the Agency was unable to provide Petitioner the opportunity to review her case file prior to the hearing because it could not be found. See Initial Decision at 3.

The CALJ found Petitioner's testimony credible. See Initial Decision at 3. Further, the CALJ found that Petitioner was imminently homeless and reported needing help for her emotional or mental health issues. See Initial Decision at 4.

Based upon my review of the record in this matter, it is abundantly clear that Petitioner exercised all reasonable efforts to ameliorate her looming homelessness. Nonetheless, Petitioner remained in imminent danger of becoming homeless because her temporary charity-shelter arrangement with the Y was coming to an end. Based upon the foregoing, the CALJ reversed the Agency determination and concluded that Petitioner is eligible for EA. I agree. The Agency shall verify if Petitioner has, in fact, received a referral for a behavioral health assessment, and if not, provide same.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is hereby REVERSED.

MAR 02 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director