



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 10610-14 G.V.

AGENCY DKT. NO. C246022 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals 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 28, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 29, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). The Agency denied EA because Petitioner abandoned a domestic violence shelter placement, temporarily moved to New York and returned to New Jersey without a plan for housing or employment.

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). 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). The Agency determines the most appropriate form of emergency housing which is required to address the need, taking into consideration individual/family circumstances and services provided. N.J.A.c. 10:90-6.3(a)(1). However, “EA shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause.” N.J.A.C. 10:90-6.1(c)(3).

There is sufficient credible evidence Petitioner abandoned EA in the form of a domestic violence shelter placement and temporarily moved to New York without a plan for housing or employment. Having previously abandoned an EA placement, Petitioner similarly returned to New Jersey without a plan for housing or employment.

There is no evidence Petitioner’s actions constitute a temporary absence from a shelter contemplated by N.J.A.C. 10:90-6.3(e)(1)(ii). Based upon the record, I agree with the ALJ’s conclusion that the Petitioner caused her own homelessness by voluntarily leaving the shelter placement when she did not have an offer of employment.

By way of comment, I note that there is presently no indication of imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit. N.J.A.C. 10:90-6.1(c)(7). Nevertheless, if it has not done so already, the Agency shall refer the Petitioner for a Family Violence Option risk assessment, N.J.A.C. 10:90-20.1 et seq., and evaluate her for potential EA eligibility based upon the risk assessment. Additionally, the Agency shall refer the Petitioner to any agencies or programs that may assist her in obtaining housing.

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

SEP 11 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director