



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

FINAL DECISION

OAL DKT. NO. HPW 10008-14 H.M.

AGENCY DKT. NO. GA438398 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the 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 13, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On August 14, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As 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/General Assistance ("WFNJ/GA"), and Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

Petitioner exhausted her 12-month lifetime EA limit and all 24 months of available EA under the Housing Assistance Program ("HAP") pilot. N.J.A.C. 10:90-6.4; -6.10. According to the record, Petitioner failed to comply with a utility payment plan, the utility cut-off her service, and her apartment is allegedly uninhabitable. The ALJ found that she is homeless "through her own fault."

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 shall not provide EA for a period of 6 months when an adult EA applicant had the available funds and the capacity to prevent homelessness. N.J.A.C. 10:90-6.1(c)(3)(v). Petitioner had available funds and did not establish good cause for failing to pay her utilities. I note the Agency previously paid retroactive utilities as recently as April 2014.

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

Signed Copy on File
at DFD, BARA

OCT 16 2014

Jeanette Page-Hawkins
Director