



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Director

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

REMAND DECISION

OAL DKT. NO. HPW 4121-15 H.M.

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

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because she has not exhausted a six-month period of ineligibility imposed after she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 31, 2015, the Honorable Jesse Strauss, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby MODIFY the Initial Decision, REVERSE the Agency determination and REMAND to the Agency to reevaluate Petitioner's EA eligibility.

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 relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). EA benefits shall not be provided for a period of six months when an adult EA benefits applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

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I take official notice of the fact that Petitioner had a prior Final Agency Decision from this office on October 16, 2014, OAL Docket Number HPW 10008-14. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). I take further notice of the fact that the Agency Action in the afore-referenced matter, denying Petitioner EA benefits for causing her own homelessness, was dated August 4, 2014. A six-month period of EA ineligibility runs from the date of the Agency's denial, not the date of issuance of the Final Agency Decision. As such, Petitioner was eligible to reapply for EA benefits on February 5, 2015, and the Agency's denial based upon the fact that the six-month period of EA ineligibility had not yet run, is without merit. It does not appear that the ALJ in this matter was advised of these pertinent facts by the Agency. Accordingly, I hereby modify that Initial Decision.

Based upon the foregoing, I remand this matter to the Agency to reevaluate Petitioner for an extension of EA benefits, without prejudice, subject to applicable eligibility criteria and notwithstanding her asserted exhaustion of EA benefits under the Housing Assistance Program ("HAP") pilot. See N.J.A.C. 10:90-6.10.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision is MODIFIED, the Agency determination is REVERSED and the matter is REMANDED to the Agency for reevaluation of Petitioner's EA eligibility.

Signed Copy on File
at DFD, BARA

APR - 8 2015

Natasha Johnson
Director