



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 13770-15 I.P.

AGENCY DKT. NO. C173471 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") because it contends that she caused her own emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2015, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 11, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record in this matter and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision WITH CONTINGENCIES, REVERSE the Agency determination, and REMAND this matter to the Agency for further action as set forth herein.

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when 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." See N.J.A.C. 10:90-6.1(c). The assistance unit shall be ineligible for EA for a six-month period when the adult applicant caused their own homelessness without good cause. See N.J.A.C. 10:90-6.2(c)(3).

A lack of realistic capacity to engage in advance planning exists when the assistance unit demonstrates that available funds “were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living.” See N.J.A.C. 10:90-6.1(c)(1)(ii). However, the expenses must be documented in the case record. *Id.*

Here, Petitioner’s assistance unit consists of herself, her husband, and three children. See Initial Decision at 2. The assistance unit receives monthly Work First New Jersey/Temporary Assistance for Needy Families (“WFNJ/TANF”) benefits of \$552.00. *Ibid.* In late June 2015, Petitioner was terminated from employment at a preschool. See Exhibit R-3. On June 21, 2015, Petitioner applied for Unemployment Insurance Benefits (“UIB”). See Exhibit R-4. Thereafter, on August 6, 2015, the New Jersey Department of Labor (“DOL”) advised Petitioner that she was ineligible for UIB because she was discharged for misconduct, and advised that she must refund \$1,292.00 of UIB previously paid to her. See Initial Decision at 3; see also Exhibit R-4. Notwithstanding the foregoing, Petitioner testified that her WFNJ/TANF benefits will end on October 1, 2015, because her UIB of \$581.00 per week commenced on September 1, 2015. See Initial Decision at 2.

Petitioner’s rent of \$1,500.00 per month is in arrears for July, August, and September 2015, and Petitioner’s landlord has filed an eviction action against her. See Initial Decision at 2; see also Exhibit P-1. Petitioner asserts that she has been unable to pay the rent as a result of her job loss; because her husband was injured and is unemployed; and due to her payment of more than \$7,000.00 in funeral expenses after her father-in-law’s death. See Initial Decision at 2-3.

At the hearing, Petitioner also submitted a PSE&G bill in her name for June 2015. See Exhibit R-2. Attached to this bill is a payment breakdown, indicating that Petitioner has made no payments to PSE&G since August 2014. *Ibid.* As a result, the balance due as of June 2015, is \$1,291.08.

In his Initial Decision, the ALJ opined that Petitioner “was subject to circumstances beyond her control” due to the loss of her job and death of her father-in-law having to pay over \$7,000 in funeral expenses[,] and that Petitioner has demonstrated that her available funds were exhausted on expenses described in N.J.A.C. 10:90-6.1(c)(1)(ii). See Initial Decision at 3. On that basis, the ALJ concluded that the Agency’s determination should be reversed, and that Petitioner should be granted three months of retroactive EA/TRA, as well as payment to PSE&G in an amount necessary to prevent a service shut-off. See Initial Decision at 4.

However, I have reviewed the record and find that Petitioner has provided no documents to confirm the funeral expenses, nor has she documented any other significant and unexpected expenses, or expenses necessary for a decent living, that

proves Petitioner's financial inability to pay her rent and her PSE&G bill. Therefore, I agree with the ALJ but hereby adopt the Initial Decision with contingencies, and remand this case back to the Agency. Specifically, I find that Petitioner's eligibility for EA/TRA is contingent upon her providing the Agency with sufficient documentation to demonstrate that she was unable to pay her rent beginning July 1, 2015, and her utility bill for over one year, due to the payment of funeral expenses and/or items deemed appropriate, necessary or reasonable for decent living. See N.J.A.C. 10:90-6.1(c)(1)(ii). Moreover, because there is a glaring inconsistency in the record concerning whether or not Petitioner is receiving UIB, the grant of EA/TRA to Petitioner is also contingent upon her providing the Agency with evidence to substantiate her receipt of UIB beginning September 1, 2015.

Accordingly, the Initial Decision in this matter is hereby ADOPTED WITH CONTINGENCIES, the Agency determination is hereby REVERSED, and this case is REMANDED to the Agency for further action as set forth above.

Signed Copy on File

at DFD, BARA

SEP 25 2015

Natasha Johnson

Director