



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

REMAND DECISION

OAL DKT. NO. HPW 9983-15 J.B.

AGENCY DKT. NO. GA590510 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he failed to provide it with proof of homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted documents. On July 16, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND this matter to the Agency.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1).

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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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2.

The record indicates that Petitioner is indeed homeless, is a Work First New Jersey/General Assistance ("WFNJ/GA") cash recipient, and appears eligible for EA benefits, however, his eligibility cannot be premised on the fact that the Agency provided him with a shelter placement on an immediate needs basis, as the ALJ opines in his Initial Decision. See Initial Decision at 2-3. Specifically, the fact that Petitioner is homeless is only one of a number of criteria that must be met in order to be eligible for EA benefits. See N.J.A.C. 10:90-6.1. In particular, the record is silent regarding the facts that led up to Petitioner becoming homeless, facts that must be evaluated by the Agency when determining EA eligibility. See N.J.A.C. 10:90-6.1(c).

It appears from the record that Petitioner applied for WFNJ/GA benefits on or about April 13, 2015, provided the Agency with the written statement required to establish his immediate need, and was, therefore, provided shelter placement on an immediate needs basis. See Initial Decision at 3. However, pursuant to N.J.A.C. 10:90-1.3(a), immediate need is only provided to the applicant until a final eligibility determination is made by the Agency. Specifically, since only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits, see N.J.A.C. 10:90-6.2, the Agency had to first determine if Petitioner was eligible for WFNJ/GA benefits in accordance with the criteria set out in N.J.A.C. 10:90-2.2. Once WFNJ/GA eligibility is established, Petitioner must complete a 28-day employment-related activity through Labor and Workforce Development, prior to receiving cash assistance. See N.J.A.C. 10:90-1.2(f)(8). Therefore, it was only when Petitioner started receiving WFNJ/GA cash assistance that he could have been issued EA by the Agency.

Based on the foregoing, Petitioner appears to be eligible for EA benefits, however, the Agency must further evaluate his EA eligibility, taking into consideration all the other criteria necessary to establish such eligibility. I modify the Initial Decision to reflect this finding and remand this matter to the Agency to evaluate Petitioner's EA eligibility as discussed above.

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's action is REVERSED, and this matter is REMANDED to the Agency.

Signed Copy on File
at DFD, BARA

JUL 28 2019

Natasha Johnson
Director