



*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 16887-14 J.C.

AGENCY DKT. NO. GA387102 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a 6-month period of ineligibility because he moved from Pennsylvania to New Jersey without a plan for housing and employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2014, the Honorable Caridad Rigo, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, admitted documents, and issued an Initial Decision which reversed the Agency determination and directed the Agency to provide EA.

Exceptions to the Initial Decision were filed by the Agency on December 31, 2014. The Agency contends Petitioner left prior housing in Pennsylvania after an argument with a housemate and moved to New Jersey, without objectively reasonable job prospects, in order to stay with his daughter who he knew, or should have known, lived in Section 8 housing. A response to the Exceptions was filed by Petitioner on December 31, 2014. Petitioner contends the ALJ appropriately credited his uncontradicted testimony that he had a reasonable plan when he moved to New Jersey, specifically, that he would move in with his daughter and find a job.

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 REJECT the Initial Decision and AFFIRM the Agency determination.

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 the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). 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 already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

The record in this matter shows that Petitioner left Pennsylvania in or about June 2014 after he had a fight with his brother's girlfriend and she threw him out of the apartment. See Initial Decision at 2. The Agency contends that Petitioner thereby caused his own homelessness. I agree. The record further states that he was employed through a temporary employment agency at that time. Petitioner then comes to New Jersey, with no prospect of employment or plan for self-sufficiency and moves in with his daughter, who resides in subsidized housing. Ibid. Petitioner cannot remain in the subsidized housing with his daughter or he will put her public housing in jeopardy. Ibid. Based upon these facts, the Agency maintains that Petitioner's circumstances were, in fact, within his control and that "several other avenues could have been taken to avert his current situation." See Agency Exceptions. I agree. Clearly, the lack of any job prospect in New Jersey, coupled with his living arrangement that was in violation of his daughter's lease, demonstrate that Petitioner's plan was not a viable one. As such, I respectfully disagree with the ALJ's conclusion in this matter. Petitioner is hereby ineligible for EA for a period of 6 months beginning from November 24, 2014. Exhibit R-1.

By way of comment, I note that replies to Exceptions are not permitted in Division of Family Development hearings. See N.J.A.C. 1:10-18.2.

Accordingly, the Initial Decision is REJECTED and the Agency determination is AFFIRMED.

**JAN 20 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director