



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 2752-15 J.L.

AGENCY DKT. NO. C056493 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a six-month period of ineligibility for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and issued an Initial Decision which affirmed the Agency determination but incorrectly imposed a twelve-month period of ineligibility for EA benefits.

Exceptions to the Initial Decision were filed by the Agency on March 9, 2015.

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 MODIFY the Initial Decision and AFFIRM the Agency determination.

EA benefits are designed to address the emergent needs of public assistance recipients and to facilitate uninterrupted participation in Work First New Jersey ("WFNJ") work activities with the goal of economic self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are available when the assistance unit is in a state of actual or imminent homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing. N.J.A.C. 10:90-6.1(c). EA benefits shall not be provided for a period of six months when an adult applicant has caused his or her homelessness, without good cause, for the purpose of making himself or herself eligible for EA benefits. N.J.A.C. 10:90-6.1(c)(3)(i).

I agree with, and therefore adopt, the ALJ's finding that Petitioner submitted falsified documentation in connection with her application for EA benefits, specifically a forged letter from a landlord used to support the claim she was homeless within the meaning of N.J.A.C. 10:90-6.1(c). Initial Decision at 2; Exhibit R-1 at 33-42. Although the Agency correctly points out that Petitioner's conduct results in a six-month period of ineligibility for EA benefits, the Agency impliedly, and the ALJ expressly, incorrectly reference N.J.A.C. 10:90-2.8(a)(10) which imposes a series of progressive periods of ineligibility for WFNJ cash benefits based upon substantially similar conduct. Initial Decision at 3; Exhibit R-1 at 4-5, 38-42. Because the ALJ also incorrectly imposed a twelve-month period ineligibility for EA benefits based upon the erroneous finding that Petitioner previously made similar misrepresentations, see Exceptions, I modify the Initial Decision to reflect the correct regulatory citation and period of ineligibility for EA benefits. Initial Decision at 2-3.

As such, I find that the Agency appropriately denied EA benefits and imposed a six-month period of ineligibility. Petitioner may reapply for EA benefits after August 2, 2015, subject to applicable eligibility criteria.

By way of comment, Petitioner's application for EA benefits references unspecified family violence before she moved from Puerto Rico to New York in 2013, and later to New Jersey in 2014. Exhibit R-1 at 13. Based upon the foregoing, I recommend the Agency discuss this matter with Petitioner in connection with a possible referral to the Family Violence Option Initiative.

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

MAR 26 2015

Signed Copy on File

at DFD, BARA,

Jeanette Page-Hawkins
Director