



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
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*Director*  
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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 15700-14 K.B.

AGENCY DKT. NO. GA569413 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she is not in a state of homelessness or imminent homelessness due to circumstances beyond her control, and because she had a realistic capacity to plan in advance for substitute housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2014, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 19, 2014, the ALJ issued an Initial Decision, which affirmed 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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's 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 in order to continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits 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.” N.J.A.C. 10:90-6.1(c). 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). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid.

According to the record, Petitioner has resided with her mother and her mother’s boyfriend since July 2014. See Initial Decision at 2. Although the record includes a letter from Petitioner’s mother’s boyfriend, dated November 24, 2014, indicating that Petitioner would not be permitted to live at their residence once her baby was born on December 20, 2014, at the time Petitioner applied for EA benefits on November 24, 2014, and as of the date of the hearing Petitioner continued to live with her mother and her mother’s boyfriend. Ibid. Therefore, Petitioner was not homeless or imminently homeless at the time she applied for EA benefits. Accordingly, the ALJ found that Petitioner was ineligible for EA benefits. Id. at 3. I concur with the ALJ’s finding.

Additionally, the ALJ found, and I concur, that Petitioner had since July 2014 to plan in advance for substitute housing. Ibid.

By way of comment, should Petitioner become homeless or in imminent danger of homeless, Petitioner may re-apply for EA provided she is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. However, Petitioner is advised that the Agency “shall determine” the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Based on the foregoing, the Initial Decision is ADOPTED and the Agency’s action is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**JAN 13 2015**

\_\_\_\_\_  
Jeanette Page-Hawkins  
Director



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DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 14257-14 R.M.

AGENCY DKT. NO. .... (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of both his Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency terminated Petitioner's benefits as it contended that Petitioner did not maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2014, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On January 2, 2015, the ALJ issued his Initial Decision affirming the Agency's termination of both Petitioner's WFNJ/GA and SNAP benefits. See Initial Decision at 4. The ALJ concluded that based upon an investigation done by the Agency, Petitioner resided with a female friend and the totality of the evidence presented supported the Agency's conclusion that Petitioner and the female friend maintained one household. See Initial Decision at 2-4; see also N.J.A.C. 10:90-2.7(b) and N.J.A.C. 10:87-2.2(c). As such, the ALJ affirmed the Agency's determinations.

Exceptions to the Initial Decision were filed by counsel for Petitioner on January 6, 2015.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision. Following an independent evaluation of the record, I concur with the ALJ's decision in this matter and I hereby adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

By way of comment, I find Petitioner's Exceptions to be unpersuasive. Based upon the record presented, I concur with the ALJ's conclusions in this matter.

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determination, as to Petitioner's WFNJ/GA and SNAP benefits, is hereby AFFIRMED.

**JAN 13 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director