



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
*Lt Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 3506-15 K.F.

AGENCY DKT. NO. C298485 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA benefits because she voluntarily ceased employment and abandoned housing without a formal eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 2, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 22, 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 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'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 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

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homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." EA benefits shall not be provided for a period of six months when an EA applicant or recipient has caused her own homelessness, without good cause, for the purpose of making herself eligible for EA. See N.J.A.C. 10:90-6.1(c)(3)(i).

Here, the record indicates that Petitioner was not being evicted from her apartment in Bergen County, but, rather, voluntarily left her apartment and moved to Passaic County without a plan for substitute housing. Initial at 2. Further, the record is devoid of any facts indicating that Petitioner made any effort to resolve her emergent situation, such as, seeking child support for her three children, negotiating lower rent payments with her landlord, securing a roommate, or looking for more affordable housing. Therefore, I find that Petitioner is not homeless due to circumstances beyond her control, and, accordingly, the Agency properly denied Petitioner EA benefits and imposed a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c).

By way of comment, Petitioner may re-apply for EA benefits after her six-month penalty has expired (August 11, 2015) provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

By way of further comment, the Agency shall refer the Petitioner to any programs and/or agencies which may assist her with her housing needs.

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

**MAY 18 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director