



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

FINAL DECISION

OAL DKT. NO. HPW 11439-14 K.M.

AGENCY DKT. NO. C352700 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application for EA benefits as it contended that Petitioner had the realistic capacity to plan to avoid the emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 17, 2014, the ALJ issued her Initial Decision, reversing the Agency's determination. The ALJ concluded that Petitioner's case should be reassessed by the Agency to determine the accuracy of benefits that had been received by Petitioner during the period in question. See Initial Decision at 7. The ALJ further opined that Petitioner's circumstances, relative to an active restraining order and an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services, placed Petitioner in a new emergency with her newborn and other child warranting EA. See Initial Decision at 8. The ALJ therefore reversed the Agency determination and ordered Petitioner's case be reassessed by the Agency and that Petitioner be provided with shelter for the interim pending the reassessment. *Ibid.*

No Exceptions to the Initial Decision were filed by either party.

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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 hereby REJECT the Initial Decision in this matter, AFFIRM the Agency action and REMAND the matter to the Agency.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See 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."

Based upon the credible evidence in the record in this matter, I respectfully disagree with the ALJ, and concur with the Agency, that Petitioner had sufficient income to pay her rent during the months in question, through a combination of Unemployment Insurance Benefits and Work First New Jersey/Temporary Assistance for Needy Families benefits. See Exhibits R-1 through R-4. Indeed, the ALJ also finds this to be the case. See Initial Decision at 4, para. 11-12. Accordingly, I am rejecting the Initial Decision finding that Petitioner qualifies for EA/TRA.

However, the record in this matter seems to indicate that Petitioner has an open case with DCP&P. N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCP&P], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." Therefore, I am remanding this matter to the Agency to establish appropriate communication and consultation with DCP&P to ensure coordination of the DCP&P plan, EA service plan and Individual Responsibility Plan as appropriate. See N.J.A.C. 10:90-6.1(c)(6)(i).

As Petitioner contends that she is a victim of domestic violence, if it has not done so already, the Agency shall refer the Petitioner for a Family Violence Option Risk Assessment. N.J.A.C. 10:90-20.1 et seq.

Finally, a copy of the Initial and Final Decisions in this matter will be forwarded to DCP&P.

Based upon the foregoing, I REJECT the Initial Decision, AFFIRM the Agency's determination and REMAND the matter to the Agency.

SEP 30 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director