



*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 3284-15 K.S.

AGENCY DKT. NO. GA454037 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals Respondent Agency's denial of Emergency Assistance ("EA") benefits based on alleged mismanagement of her funds. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 13, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On March 16, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on March 19, 2015.

As the Director of the Division of Family Development, Department of Human Services, I reviewed the record and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Findings of Fact and Conclusions of Law in the Initial Decision and REVERSE the Agency determination.

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). EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). Temporary Rental Assistance ("TRA") may be provided when the recipient is facing eviction in order to

maintain current permanent housing which had previously been affordable but which is no longer affordable for reasons such as, but not limited to, temporary unemployment, and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues. N.J.A.C. 10:90-6.3(a)(6).

Petitioner broke her ankle on January 3, 2015, went out on a paid leave of absence from her employer beginning on January 5, 2015, and an unpaid leave of absence beginning on January 14, 2015. Initial Decision at 2; Exhibit P-2. Petitioner owes rent for part of January and all of February and March 2015. Initial Decision at 2; Exhibit P-1. Petitioner is tentatively scheduled to return to work on April 11, 2015, but is due to deliver a baby on May 13, 2015. Initial Decision at 2.

I agree with the ALJ that the Agency failed to prove Petitioner mismanaged her funds, and that Petitioner is otherwise eligible for EA benefits in the form of retroactive and prospective TRA. N.J.A.C. 10:90-6.2(a); -6.1(c); -6.3(a)(5) and (6). Initial Decision at 3-4. I carefully reviewed the Agency's exceptions to the Initial Decision and find them to be vague, hearsay, and otherwise unsupported by document evidence. Moreover, the Agency's uncertainty regarding the determination of Petitioner's pending application for disability benefits is not a reason to deny EA benefits, and like Petitioner's return to work and impending parenthood, is a circumstance it can address when it materializes.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is REVERSED.

*Signed Copy on File*

at DFD, BARA

MAR 25 2015

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Jeanette Page-Hawkins  
Director