



**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 10118-14 L.R.

AGENCY DKT. NO. C247738 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2014, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony, admitted documents and issued an Initial Decision which reversed the Agency determination.

The Agency submitted exceptions on August 19, 2014.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby REVERSE the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency denied Petitioner's application for EA and contends Petitioner moved from New York to New Jersey without a reasonable plan for housing or employment. Petitioner contends she became unexpectedly homeless after the friend with whom she was staying was evicted from her apartment. The ALJ directed the Agency to provide EA after finding Petitioner "came to New Jersey with a reasonable and viable plan that did not work out through no fault of her own, hence Agency argument that benefits should be denied has no merit."

EA is a supportive service designed "to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirements due to disruptions caused by homelessness and related emergencies." N.J.A.C. 10:90-6.1(a). EA is available when the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c). However, EA shall not be provided for a period of six months when "an adult EA applicant or recipient has caused his or her homelessness, without good cause ... where the adult applicant or recipient had the available funds and the capacity to prevent homelessness." N.J.A.C. 10:90-6.1(c)(3)(v).

Petitioner and her pre-teen daughter and son moved from New York to New Jersey and rented a room in the apartment of a female friend sometime after the termination of Petitioner's public assistance case and her resulting eviction from subsidized housing. The fathers of Petitioner's children live in New York. There is no suggestion Petitioner has family in New Jersey. There is no evidence why New York terminated Petitioner's assistance, and no findings regarding Petitioner's specific plans for housing and employment.

Petitioner did not have a job or a bona fide offer of reasonable employment when she came to New Jersey. In addition, Petitioner was not a party to the friend's lease agreement, and did not establish permanent housing in the state. Moreover, Petitioner relied upon assistance from her parents to feed her children and to allegedly pay her portion of the rent during the approximately four months she stayed in the apartment. Petitioner is presently homeless and her children live temporarily with a grandparent in New York.

There is sufficient credible evidence Petitioner moved to New Jersey without a reasonable plan for housing or employment. Under the totality of the circumstances, the Agency correctly determined Petitioner caused her own homelessness, appropriately denied EA and properly imposed a six month period of ineligibility.

By way of comment, as the Petitioner testified that her children reside in New York with their grandmother, the Agency may wish to reevaluate her for WFNJ/TANF eligibility.

For the foregoing reasons, I REVERSE the Initial Decision and AFFIRM the Agency determination.

**AUG 29 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director