



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 8777-14 L.R.

AGENCY DKT. NO. GA447637 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request because Petitioner failed to provide requested information and consequently failed to demonstrate that an emergency exists. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2014, the Honorable Kimberly A. Moss Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 29, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

EA shall be made available through the Work First New Jersey ("WFNJ") program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. N.J.A.C. 10:90-6.1(a).

A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. When such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to Agency verification, stating that eviction is imminent or has occurred, shall be accepted by the Agency. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, Petitioner has resided with a friend, A.L., since February 2014. Petitioner first applied for EA in April 2014. Her application was denied because she could not demonstrate the presence of an emergency. She reapplied for EA on May 19, 2014. That day, the Agency sent a letter to the Petitioner requesting additional information regarding where she lived, how long she lived there, and the reason that she had to leave. Exhibit R-1 at 7. Petitioner did not respond to the request and the Agency denied her EA application a second time.

During the hearing, Petitioner provided a letter dated June 14, 2014 from A.L. Exhibit P-1. That letter states that Petitioner does not pay rent and could no longer stay with A.L. Ibid.

The ALJ concluded that the Petitioner is not experiencing an emergency because she has resided with A.L. since February 2014 and continues to reside with A.L. in contradiction of the June 14, 2014 letter. As such, the ALJ concluded, and I agree, that the Petitioner does not meet the criteria for EA at this time.

Accordingly, the Agency action is AFFIRMED.

SEP 11 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director