



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 16805-14 L.W.

AGENCY DKT. NO. C193337 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits for failure to follow shelter rules, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 23, 2014, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 2014, the ALJ issued an Initial Decision, which affirmed 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 reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

Only Work First New Jersey ("WFNJ") recipients, including those determined eligible for WFNJ benefits based upon immediate need, and Supplemental Security Income ("SSI") recipients are eligible for EA. N.J.A.C. 10:90-6.2.

The purpose of EA for SSI recipients is to minimize the incidence of homelessness among the SSI recipient population. 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 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." See N.J.A.C. 10:90-6.1(c). However, EA shall not be provided to the

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applicant if her behavior directly caused the eviction and subsequent homelessness. See N.J.A.C. 10:90-6.1(c)(3)(vi).

Petitioner is an SSI recipient who was evicted from shelter placement and is now homeless. See Initial Decision at 2. According to the record, the shelter Petitioner was terminated from was not an EA placement through the Agency. See Initial Decision at 2. Soon after placement in the shelter, Petitioner was evicted for violation of the shelter's rules by engaging in behavior that the shelter maintained was jeopardizing the safety of the facility. See *id.* at 2-3. Petitioner acknowledged that she engaged in the behaviors as stated in the shelter's three incident reports, but explained the mitigating circumstances regarding each incident. See *id.* at 3-4; also see Exhibit R-6 at 2-4. Petitioner further testified that she never received a copy of the rules and regulations or had knowledge that she was violating the rules. See Initial Decision at 3-4. The ALJ found that Petitioner credibly addressed all of the incident reports. *Ibid.*

Based upon the fact that the ALJ found Petitioner's rebuttal of the shelter's incident reports to be credible, and the Agency had no one with personal knowledge to refute Petitioner's testimony, I concur with the ALJ's finding that Petitioner is eligible for EA benefits.

By way of comment, Petitioner provided a Med-1 form at the hearing indicating mental health issues. See Exhibit P-1. As Petitioner's mental health issues may prevent her from planning for or securing appropriate housing, she is to be referred to the appropriate services for assistance. See N.J.A.C. 10:90-6.1(c)(iii). Additionally, the Agency recommended that Petitioner live on her own and not with others or in a shelter dwelling. See Exhibit R-4 at 2. Accordingly, the Agency is to properly reassess and reevaluate Petitioner to determine an appropriate housing placement taking into account Petitioner's mental health issues, and is reminded that Temporary Rental Assistance is the preferred form of EA in all circumstances, as appropriate. See N.J.A.C. 10:90-6.3(a)(6). Further, any service plan for Petitioner should also give necessary guidance for assistance in applying for subsidized housing.

Accordingly, the Initial Decision is ADOPTED and the Agency's action REVERSED.

JAN 14 2015

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director