



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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

REMAND DECISION

OAL DKT. NO. HPW 7300-15 M.E.

AGENCY DKT. NO. GA489792 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she incurred a sanction for failure to comply with her WFNJ work requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 22, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 22, 2015, 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 REJECT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the following discussion.

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

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homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Pursuant to N.J.A.C. 10:90-6.1(c)(4), "An adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status."

Here, Petitioner incurred a sanction, effective May 1, 2015, for failure to comply with her WFNJ work program requirement. See Initial Decision at 2; see also Exhibit R-1. Subsequently, when Petitioner came into compliance, her sanction was lifted. See Initial Decision at 3. Regardless of Petitioner' sanction, and the subsequent lifting of that sanction, she is eligible for EA benefits pursuant to N.J.A.C. 10:90-6.1(c)(4).

However, the record is not clear as to whether Petitioner meets the other criteria, set out in N.J.A.C. 10:90-6.1, required for EA eligibility. Therefore, I am remanding the matter back to the Agency to reevaluate Petitioner for EA eligibility, on an expedited basis.

Accordingly, the Initial Decision is REJECTED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the above discussion.

*Signed Copy on File*  
at DFD, BARA

**JUN 02 2015**

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Natasha Johnson  
Director