



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 16888-14 M.J.

AGENCY DKT. NO. C242150 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied her request for EA because it contends that she voluntarily quit her employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 31, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 2, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT 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). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1 provides 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 in the absence of a realistic capacity to plan in advance for substitute housing." However, EA shall not be provided for a period of six months when the individual has caused his/her own homelessness, without good cause, for reasons including the individual's voluntary cessation of employment. N.J.A.C. 10:90-6.1(c)(3).

The Agency alleges Petitioner voluntarily quit casual, short-term employment to begin a vocational training program. Initial Decision at 3-4; Exhibit R-1. The ALJ credited Petitioner's uncontradicted testimony that she quit her short-term employment at the Agency's direction. Initial Decision at 6-7, 9.

Having made an independent review of the record, I concur with the ALJ's decision in this matter. Petitioner is eligible for retroactive and prospective EA in the form of Temporary Rental Assistance. See Initial Decision at 10; see also N.J.A.C. 10:90-6.3(a)(5) and (a)(6). The Agency should calculate EA based upon Petitioner's expectation that her mother will move into the apartment.

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

JAN 16 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director