



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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

FINAL DECISION

OAL DKT. NO. HPW 3958-15 R.A.

AGENCY DKT. NO. C252283 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits and imposition of a six-month period of EA ineligibility. The Agency denied Petitioner's application for EA because it contended that Petitioner abandoned benefits in another state and had come to New Jersey with no plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 31, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On the same day, the ALJ issued an Initial Decision, which affirmed the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and I hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination.

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 homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing."

Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA 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).

The record for this matter established that Petitioner previously moved from Massachusetts to New Jersey. See Initial Decision at 2. Despite the fact that Petitioner was eligible for benefits in Massachusetts, Petitioner elected to move to Jersey City, New Jersey with no job prospects, plans for employment, or plans for alternate housing. Id. at 3. Petitioner previously lived in Puerto Rico for eighteen years and only has a familiarity with Jersey City, where she now resides. Ibid.

The Agency in this matter contends that Petitioner has caused her own homelessness by abandoning affordable housing in another state and coming to New Jersey without any prospect of employment or plan for self-sufficiency. Ibid; see also Exhibit R-1 at 2. Based upon the evidence presented in this matter, I agree with the Agency.

As I agree that Petitioner has caused her own homelessness, Petitioner will be ineligible for EA benefits for six months pursuant to N.J.A.C. 10:90-6.1(c)(3). An applicant's period of EA ineligibility is applied from the date of denial of application for EA, which in this case, is March 20, 2015. See DFD Instruction 08-5-4 at 11.

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

APR 13 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director