



*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 12759-14 R.B.

AGENCY DKT. NO. C069284 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit because Petitioner did not present an emergency, and the imposition of a sanction because Petitioner did not comply with Work First New Jersey ("WFNJ") requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2014, the Honorable Bruce M. Gorman, 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 and directed the Agency to grant EA in the form of a security deposit.

Exceptions to the Initial Decision were filed by the Agency on January 13, 2015.

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.

Petitioner alleges she was forced to move from one Section 8 apartment to another because the stepfather of her minor son's girlfriend assaulted Petitioner and threatened to kill her family. Initial Decision at 3; Exhibits P-1 through P-3. The Agency contends that Petitioner is not in a dating relationship with the stepfather, is not at risk for family violence, and accordingly, does not present an emergency that would make her eligible for EA. Initial Decision at 2-3; Exhibit R-1 at 6, 8. In

addition, the Agency contends Petitioner had the ability to plan for permanent substitute housing. Exhibit R-1 at 8.

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 a 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 relevant 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 in the absence of a realistic capacity to plan in advance for substitute housing." EA is not limited to individuals who have either experienced or are at risk of family violence.

Based upon the record, the ALJ appropriately determined that Petitioner became homeless due to circumstances beyond her control, and I concur with the ALJ that there is insufficient credible evidence to the contrary. Initial Decision at 3-4. Likewise, there is no evidence that Petitioner had the ability to plan in advance for permanent substitute housing, in her case limited to sufficient funds to pay the security deposit in connection with her move to a Section 8 apartment. Initial Decision at 3-4. Similarly, there is no evidence that Petitioner previously paid the security deposit. Accordingly, I find that Petitioner is eligible for EA in the form of a security deposit, subject to Agency confirmation that Petitioner has not already paid the deposit.

By way of comment, I note that a transmitted issue in this matter, which the ALJ did not address, is the sanctioning of Petitioner's WFNJ/TANF benefits. An independent review of the record shows that the Agency imposed a sanction on Petitioner's WFNJ/TANF benefits, effective June 1, 2014, based upon Petitioner's non-compliance with WFNJ work requirements, specifically, her failure to attend meetings to draft her individual responsibility plan. Exhibit R-1 at 2, 15. Petitioner requested a fair hearing on September 19, 2014. Pursuant to N.J.A.C. 10:90-9.10(a), a WFNJ applicant or recipient must request a hearing within 90 calendar days of a county agency's action or inaction. Clearly, Petitioner's request for a fair hearing on September 19, 2014, is well-beyond the 90 days allowed for her to appeal the imposition of her June 1, 2014 sanction. Petitioner alleges no extraordinary or extenuating circumstances to support an enlargement of the appeal period. N.J.A.C. 10:90-9.10(b). As such, I find that the appeal of the sanction is untimely and stands as imposed by the Agency. I further note that there is no evidence that the sanction makes Petitioner ineligible for EA. See N.J.A.C. 10:90-6.9(c)(1).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein have been addressed in this decision based upon the evidence presented, and as such, do not alter my decision in this matter.

By way of final comment, the record in this matter indicates that the Agency referred Petitioner for a risk assessment under the Family Violence Option Initiative ("FVO Initiative"). N.J.A.C. 10:90-20.1. Initial Decision at 2. If the Agency has not referred Petitioner for a risk assessment, it should do so promptly. If Petitioner has undergone a risk assessment, the Agency should take appropriate steps to provide for an updated referral and assessment.

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

**MAR 02 2015**

*Signed Copy on File*

at DFD, BARA

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Jeanette Page-Hawkins  
Director