



*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 675-15 R.J.

AGENCY DKT. NO. GA318526 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application due to its assertion that Petitioner had the realistic capacity to plan, thereby causing his own housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 23, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On the same day, the ALJ issued an Initial Decision, affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and having made an independent evaluation of the record, I ADOPT the Initial Decision 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 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 the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

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Here, Petitioner had a realistic capacity to plan in advance for substitute housing. He was asked to leave his mother's house in 2012 and has stayed with friends since that time. See Initial Decision at 2. Although Petitioner has provided a Med-1 form for podiatric problems, these do not present a functional incapacity to plan or to secure permanent housing as per N.J.A.C. 10:90-6.1(c)(1). Therefore, I agree with the ALJ that the Petitioner had the realistic capacity to plan for substitute housing but failed to do so. Id. at 1. Moreover, because Petitioner caused his own homelessness, he shall be ineligible for EA benefits for a period of six months pursuant to N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is AFFIRMED.

**FEB - 9 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director