



*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 1506-15 S.A.

AGENCY DKT. NO. GA579950 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits, and imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA benefits and imposed a six-month EA penalty because she, purportedly, abandoned affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 2015, the ALJ issued an Initial Decision, which reversed 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 ADOPT the ALJ's Initial Decision, and REVERSE 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). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. Ibid. Further, 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 indicates that Petitioner moved out of her mother's home in August 2014, and immediately moved into a rented room in a friend's home. See Initial Decision at 2. Further, the record indicates that Petitioner was employed, and able to pay her rent, from September 2014 through November 6, 2014, at which time she was excused from work on a pregnancy disability, due to a high risk pregnancy. See id. at 2. Additionally, the record includes a letter from Petitioner's landlord, dated December 15, 2014, stating that Petitioner would have to vacate her room by the end of December 2014, if she was not able to get assistance to pay her rent. See id. at 3-4. Although it appears from the record that the Petitioner may be imminently homeless, it is not clear as to whether or not she is still residing in the home. However, based on the foregoing facts, the Agency denied Petitioner EA benefits, finding that she left her mother's home voluntarily, thereby causing her own homelessness, and imposed a six-month EA penalty. See Exhibit R-1 (Copy); see also Initial Decision at 3. Notably, Petitioner gave birth to her child on February 9, 2015, and may very well be able to return to work shortly.

Here, I agree with the ALJ's finding that the Agency improperly denied Petitioner EA benefits based on a voluntary move from her mother's home. See id. at 4. Additionally, I find that the Agency's imposition of a six-month EA penalty was improper. Further, the Agency shall determine the most appropriate form of EA which is required to address the need of Petitioner and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration her family's circumstances and services provided. See N.J.A.C. 10:90-6.3(a)(1).

Based on the foregoing, the Initial Decision is ADOPTED, and the Agency's action is REVERSED.

**MAR 04 2015** *Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director