



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 6078-15 S.W.

AGENCY DKT. NO. GA192673 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she had no permanent residence and no proof of an eviction or pending eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 4, 2015, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 4, 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."

The record indicates that the Agency placed Petitioner in a shelter on March 1, 2015 because she could no longer pay rent at the rooming house where she resided. See Initial Decision at 2. Thereafter, the Agency terminated Petitioner's EA benefits because she had no permanent place of residence and there was no proof of eviction. *Ibid.* However, the ALJ found, and I concur, that the Agency placed Petitioner in the shelter because she was homeless, and cannot now, terminate her EA benefits because the shelter is not considered permanent housing. *Id.* at 3. Moreover, there is nothing in the regulations that makes the granting of EA benefits reliant upon Petitioner residing in permanent housing. Accordingly, the ALJ found, and I concur, that the Agency improperly terminated Petitioner's EA benefits in the form of shelter placement. Additionally, as it appears from the record that Petitioner has completed her WFNJ 28-day work requirement, pursuant to N.J.A.C. 10:90-1.2(f)(8), Petitioner is eligible for Work First New Jersey/General Assistance benefits, commencing on the date she completed her work activity, March 30, 2015. See Initial Decision at 4; see also Exhibit P-1.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

MAY 12 2015 *Signed Copy on File*
at DFD, BARA

Natasha Johnson
Director