



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 16944-15 T.C.

AGENCY DKT. NO. GA68328 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 30, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted evidence. On November 2, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on November 4, 2015.

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 REJECT the ALJ's Initial Decision and REVERSE the Agency's determination.

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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record shows that Petitioner is an unemployable Work First New Jersey/General Assistance ("WFNJ/GA") recipient, as substantiated by a MED-1 form indicating a 12-month disability, and has a Supplemental Security Income ("SSI") application pending. See Initial Decision at 3, 4; see also Exhibits P-3, P-10. Additionally, the record shows that Petitioner is homeless, as he was evicted from his room at the YMCA on September 9, 2015, and has been residing with friends on a temporary basis, since then. See Initial Decision at 2, 4. The Agency denied Petitioner EA benefits stating that Petitioner had caused his own homelessness, yet provided no substantiating evidence to support its denial, nor provided any testimony at the hearing to support its denial.

I note, however, that Petitioner had a prior Final Agency Decision ("FAD") from this office on September 9, 2015, OAL Docket Number HPW 11899-15, wherein we found that based on Petitioner's circumstances as presented in the record, he did not have the capacity to plan to avoid his emergent situation. See Exhibit P-6. Therefore, Petitioner clearly did not cause his own homelessness. Moreover, in our prior FAD, we instructed the Agency that it could not deny Petitioner EA benefits on that basis. *Ibid.* Petitioner's circumstances have not changed since our prior FAD, and the Agency cannot, now, deny him EA benefits on the basis that he caused his own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 2. Accordingly, I reverse the Agency's determination to deny Petitioner EA benefits.

By way of comment, Petitioner is advised that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

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Signed Copy on File
at DFD, BARA

Natasha Johnson
Director