



*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

REMAND DECISION

OAL DKT. NO. HPW 14767-14 Y.D.

AGENCY DKT. NO. S546945 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied the Petitioner's request for EA as it contended that Petitioner had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2014, the Honorable Robert J. Giordano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On November 20, 2014, the ALJ issued an Initial Decision reversing the Agency determination and remanding the matter to the Agency.

On November 26, 2014, the Agency submitted exceptions to the Initial Decision.

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 hereby adopt the Findings of Fact and Conclusions of Law contained in the Initial Decision.

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). Only Work First New Jersey ("WFNJ") and Supplemental Security Income recipients are eligible to receive EA. Furthermore, 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

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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." However, if the applicant's behavior directly caused her eviction, then she is ineligible for EA. N.J.A.C. 10:90-6.1(c)(3)(vi).

During the hearing, the Petitioner testified that and she and her child have lived at the home of Petitioner's mother since April 2014 and paid \$600 a month towards rent. On or around November 3, 2014, the Petitioner testified that her mother physically attacked her and asked the Petitioner to leave the home after the altercation. She applied for WFNJ/Temporary Assistance for Needy Families ("TANF") and EA shortly thereafter.

The Agency denied the Petitioner's application for EA on the basis that the Petitioner had caused her own homelessness. See Exhibit R-1. Her WFNJ/TANF application is still pending and, during the hearing, the Petitioner testified that her child now temporarily resides with the child's father. Initial Decision at 5.

During the hearing, the Agency representative testified that the Petitioner was responsible for the altercation that occurred with her mother, and her homelessness was the result of her own behavior. However, the Agency representative did not have personal knowledge of the altercation and relied solely on the case notes in Petitioner's file. Moreover, the Petitioner testified that her mother physically assaulted her and told her that she had to leave the home. As such, the ALJ concluded, and I agree, that the Agency failed to properly establish that the Petitioner is the cause of her own homelessness.

However, because the Agency has yet to make a determination on Petitioner's WFNJ/TANF application, and EA is only available to WFNJ recipients, the ALJ correctly remanded this matter back to the Agency to make a determination on Petitioner's WFNJ application and, in turn, EA in the form of appropriate housing. The Agency shall address Petitioner's immediate need(s) pending the determination on her applications. N.J.A.C. 10:90-1.3.

Petitioner is reminded that the Agency has the discretion to determine the appropriate form of EA, be it a shelter, motel/hotel, transitional housing, or Temporary Rental Assistance placement, N.J.A.C. 10:90-6.3(a)(1). If Petitioner refuses a future EA placement, without good cause, her refusal of the placement may be construed as causing her own homelessness, and she would be ineligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3).

Finally, as the record indicates that the Petitioner may be a victim of domestic violence, if it has not done so already the Agency shall refer the Petitioner for a Family Violence Option Risk Assessment in accordance with N.J.A.C. 10:90-20.1 et seq.

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Accordingly, the Agency action is REVERSED and this matter is REMANDED to the Agency.

**DEC - 3 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director