



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 10509-14 M.P.

AGENCY DKT. NO. C252426 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request for EA for the months of June and July 2014, as Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") had been closed at that point due to a sanction, thereby rendering Petitioner ineligible to receive EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 25, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 28, 2014, the ALJ issued her Initial Decision affirming the Agency's determination. The ALJ found that Petitioner had failed to provide good cause for non-attendance at a work activity, and had not appealed a March 1, 2014 sanction, thus the two months withholding of EA was warranted. See Initial Decision at 8.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on September 3, 2014.

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 Initial Decision and AFFIRM the Agency's denial of EA for the months of June and July 2014.

The record in this matter reveals that Petitioner received a sanction for non-compliance with her work activity effective March 1, 2014. See Initial Decision at 2. N.J.A.C. 10:90-4.13(b), dictates that a sanction, when good cause for non-compliance has not been provided, will cause a WFNJ recipient's cash benefits to be pro-rated for the first month; suspended the following month, and closed the month thereafter. Additionally, subsection (e) of that same regulation states that EA shall only continue through the one-month closure. This is precisely what happened in Petitioner's case. Petitioner did not provide the Agency with a properly completed Med-5 form in March 2014, or at any time thereafter during subsequent appointments with the Agency. See Initial Decision at 2. Petitioner's cash benefits were pro-rated for March 2014, suspended in April and closed in May 2014. See Exhibit R-7. Pursuant to subsection (e), Petitioner received EA during March, April and May, but EA ceased thereafter due to the closure of Petitioner's WFNJ case. See *ibid.*; see also Initial Decision at 5. Petitioner did not receive WFNJ benefits during June and July 2014, as Petitioner's WFNJ case was closed, and was therefore not eligible to receive EA benefits for those months. Petitioner's WFNJ benefits were restored commencing August 2014.

Based upon the foregoing, I concur with the ALJ's determination that EA benefits were appropriately not paid for June and July 2014.

The Agency shall refer the Petitioner to any agencies or programs which may assist her needs at this time, including her housing needs.

By way of comment, I find the arguments asserted in Petitioner's Exceptions to be without merit. The record shows that Petitioner was required to submit a correctly completed Med-5 form and failed to do so. Without good cause to lift the sanction, the sanctioning of Petitioner's WFNJ/TANF benefits progressed in accordance with N.J.A.C. 10:90-4.13 as discussed above.

Finally, in accordance with the Initial Decision, a copy of the Initial and Final Decisions will be forwarded to the Division of Child Protection and Permanency to ensure that the health, safety and welfare of Petitioner's children will be protected.

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

Signed Copy on File
at DFD, BARA

SEP - 9 2014

Jeanette Page-Hawkins
Director