



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

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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 7475-14 T.G.

AGENCY DKT. NO. C196101 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot because she incurred a sanction within the 12 months prior to applying for a HHE. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On June 30, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On July 28, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action. The ALJ found Petitioner failed to demonstrate good cause for her non-compliance with her work activity and as a result, Petitioner is ineligible for an extension of EA under the HHE pilot.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and I AFFIRM and MODIFY the Initial Decision. I modify the Initial Decision to clarify that Petitioner is out of time to appeal the imposition of her sanction and to reflect the regulatory basis upon which the Agency properly denied Petitioner a HHE.

Here, it appears that Petitioner argued at the hearing that the sanction was improperly imposed by the Agency. On November 15, 2013, Petitioner was notified by the Agency that a sanction was being imposed for her failure to comply with her work activity. See Agency Notice. In May 2014, following the Agency's denial of a

HHE, Petitioner requested a fair hearing. A WFNJ/TANF applicant/recipient must request a hearing within 90 calendar days of a county agency action or inaction. N.J.A.C. 10:90-9.10(a). Clearly, Petitioner's request for a fair hearing in May 2014 is well beyond the 90 days allowed for her to appeal the imposition of her sanction. Therefore, Petitioner's time to appeal the imposition of the sanction has expired and the only issue on appeal is whether the Agency properly denied Petitioner and extension of EA under the HHE pilot.

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). EA benefits are limited to 12 months, plus 2 extreme hardship extensions. N.J.A.C. 10:90-6.4. Hence, the maximum amount of EA available to a WFNJ/TANF recipient is 24 months. In the event a WFNJ/TANF recipient has exhausted their lifetime limit of EA, including both "extreme hardship" extensions, she may qualify for a HHE, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. In order to qualify for an extension under the HHE pilot, a WFNJ/TANF recipient must meet the strict criteria set out in the regulation establishing the pilot program. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid.* But, a WFNJ/TANF recipient who has received a sanction within the twelve-month period prior to applying for an HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

Petitioner has received 33 months of EA, not including any EA received pending this Final Decision. As a result, Petitioner has exhausted her lifetime limit of EA benefits, plus extreme hardship extensions. Also, it appears Petitioner was receiving EA under the HHE pilot at the time of the Agency's denial of an extension under the HHE pilot. Significantly, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the twelve-month period prior to applying for a HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot.

I find a review of the record clearly shows that Petitioner incurred a sanction effective December 1, 2013, which is well within the twelve months preceding her application for a HHE. See Agency Notice. Consequently, the Agency's denial of a HHE was proper because Petitioner incurred a sanction within twelve months of her EA application, thereby making her ineligible for a HHE pursuant to N.J.A.C. 10:90-6.9(c)(1).

Accordingly, the Initial Decision is AFFIRMED and MODIFIED.

**AUG 29 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director