



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 8368-14 T.S.

AGENCY DKT. NO. C238898 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 28, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On July 30, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

On August 11, 2014, exceptions were submitted on Petitioner's behalf by Northeast New Jersey Legal Services, Inc.

As the Director of the Division of Family Development ("Division"), Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits.

In December 2013, Petitioner failed to appear for scheduled Tests of Adult Basic Education ("TABE"). In February 2014, the Agency imposed a sanction which Petitioner did not appeal. In May 2014, the Agency denied EA under the HHE pilot because Petitioner incurred a sanction within the previous twelve months.

N.J.A.C. 10:90-9.10 required Petitioner to appeal the sanction within ninety days of the adverse Agency action, to be extended only after a Division determination of extraordinary and extenuating circumstances. Petitioner did not timely appeal the sanction and the record suggests no extraordinary and extenuating circumstances to permit her to file an appeal at this late date. An applicant who incurred a sanction for non-compliance with the WFNJ work requirement in the previous twelve months is not eligible for EA under the HHE. N.J.A.C. 10:90-6.9(c)(1).

I address Petitioner's exceptions by way of the following comment.

Unless deferred, all adult WFNJ recipients must comply with "all aspects of the cooperation and participation provisions of the WFNJ work requirement" including, but not limited to, keeping all scheduled appointments timely, giving reasonable notice and explanation of inability to keep an appointment, cooperating in the development and completion of an Individual Responsibility Plan ("IRP"), complying with the IRP, contacting the child care entity to arrange appropriate child care to ensure participation in WFNJ work activities and participating in assigned WFNJ work activities. N.J.A.C. 10:90-4.1(a)(2).

Petitioner did not request a deferral and was not deferred from the WFNJ work requirement when she failed to appear for the TABE. A November 2013 doctor's note which states Petitioner "cannot work has many health problems. and seeing different doctors" is, under the totality of the circumstances, immaterial. Not part of the record, Petitioner's submission of a MED-1 form a month after her missed TABE is irrelevant.

Failure to actively cooperate with or participate in the WFNJ work activity requirements, without good cause, shall be considered non-compliance and shall result in the loss of cash assistance benefits in accordance with N.J.A.C. 10:90-4.13. N.J.A.C. 10:90-4.1(d). Good cause for absence from a particular WFNJ activity, in relevant part, includes illness of the participant, child of the participant or any other member of the participant's household or immediate family who is or becomes dependent upon the participant because of such illness. N.J.A.C. 10:90-4.11(b)(2)(i). The participant must also notify the appropriate person at the work activity of the need for absence from a particular day or provide appropriate documentation. N.J.A.C. 10:90-4.11(b)(2).

Petitioner did not notify the TABE administrator she was allegedly ill, and made no effort to reschedule the activity. Likewise, Petitioner did not produce a doctor's note until five and a half months after she missed the scheduled activity, three months after the Agency imposed the sanction and three weeks after it denied a HHE.

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For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

SEP 19 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director