



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 6901-14 A.B.

AGENCY DKT. NO. S522457 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits and concurrent denial of an extension for 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 September 23, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 13, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted exceptions on November 26, 2014.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby REVERSE the Initial Decision and the Agency determination.

The record in this matter shows that Petitioner incurred a sanction effective February 1, 2012, which resulted in the closure of his Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") case the following April. See Exhibit R-3 at 3. The following year, in June 2013, Petitioner came into compliance with WFNJ work requirements and the Agency granted his application for WFNJ/TANF cash benefits. See Exhibits R-3 at 2 and R-8 at 3.

In August 2013, the Agency granted extensions of EA under the extreme hardship provisions of N.J.A.C. 10:90-6.4(d) and later under HHE, N.J.A.C. 10:90-6.9. See Exhibit R-8.

In April 2014, the Agency terminated EA because Petitioner had exhausted his 12-month lifetime EA limit under N.J.A.C. 10:90-6.4(a). See Initial Decision at 3; see also Exhibit R-6. The Agency concurrently denied a further extension of EA under HHE because Petitioner allegedly incurred a sanction in the 12 months before his application. See Initial Decision at 3; see also Exhibit R-7. I find the Agency improperly terminated EA and also inappropriately denied Petitioner an extension of EA under HHE.

The HHE pilot authorizes up to 12 months of EA to WFNJ/TANF recipients who have exhausted their 12-month lifetime EA limit and applicable extreme hardship extensions and who, in relevant part, are employable and compliant with WFNJ work activities. N.J.A.C. 10:90-6.9.

There is no evidence in the record that Petitioner incurred a sanction in the 12 months before March 2014 when he applied for an extension of EA under HHE. N.J.A.C. 10:90-6.9(c)(1) and (c)(4). Stated otherwise, Petitioner incurred a sanction effective February 1, 2012, and his successful efforts to comply with WFNJ work requirements in mid-2013 made him eligible for an extension of EA under HHE in late 2013. See Exhibit R-8. I find it therefore improper for the Agency to assert such a basis to deny a further extension under the same pilot program 6 months later.

By way of comment, having determined that the Agency inappropriately terminated Petitioner's EA, and also improperly denied an extension of EA, in April 2014, I note that it nevertheless appears that because the Petitioner received continued assistance pending this Decision, he may have now exhausted the 12 months of EA authorized under HHE. If the Agency determines that the Petitioner is no longer eligible for EA, it is reminded that it must comply with timely and adequate notice requirements under N.J.A.C. 10:90-9.1 et seq.

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

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director

DEC 30 2014