



**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 11189-15 A.J.

AGENCY DKT. NO. C206100 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot, because she incurred a sanction for non-compliance with her Work First New Jersey ("WFNJ") work requirement within 12 months of her HHE application. Petitioner also appeals the imposition of the sanction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 3, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 4, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed by Northeast New Jersey Legal Services, Inc. on behalf of Petitioner on August 10, 2015.

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 ALJ's Initial Decision and AFFIRM the Agency's determination.

WFNJ applicants and recipients must cooperate with WFNJ work requirements as a condition of eligibility. See N.J.A.C. 10:90-2.2(a)(2). "Any applicant who fails at any time to cooperate with any of the WFNJ work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C.

10:90-4.13.” See N.J.A.C. 10:90-2.2(d). Once a sanction has been imposed, an adverse action notice must be mailed to the recipient at least ten calendar days prior to the sanction’s effective date. See N.J.A.C. 10:90-4.13(i)(6). Thereafter, if a recipient contacts the WFNJ case manager prior to the expiration of the ten-day adverse action period, and the case manager determines that good cause does not exist for noncompliance, but the recipient demonstrates an intent to comply, no per capita sanction will be imposed. See N.J.A.C. 10:90-4.13(i)(6)(ii).

Further, if a WFNJ recipient has incurred a sanction for non-compliance with their work requirement within 12 months of applying for HHE, they are ineligible for EA under the HHE program. See N.J.A.C. 10:90-6.9(c)(1).

Here, Petitioner and her minor son receive monthly WFNJ/Temporary Assistance for Needy Families (“WFNJ/TANF”) and Supplemental Nutrition Assistance Program (“SNAP”), f/k/a the Food Stamp Program, benefits. See Initial Decision at 2. The record reflects that Petitioner has also received 40 months of EA and, if a HHE extension were granted, she would be eligible for a maximum of eight additional months of EA. See Initial Decision at 3; see also N.J.A.C. 10:90-6.9(c)(1).

On December 12, 2014, a sanction was imposed upon Petitioner, effective January 1, 2015, for two or more absences, without good cause, from an assigned work activity for which she was scheduled in October 2014. See Initial Decision at 4. The adverse action notice advised Petitioner that she must contact her case worker “and comply with [her] WFNJ work activity within 10 days” or her benefits would be reduced for one month. *Ibid.* Petitioner testified that she met with her caseworker on December 17, 2014, and that the caseworker informed her that she would receive a letter notifying of her placement into an alternate work program. *Ibid.* However, Petitioner alleged that she never received a letter from the Agency regarding same. *Ibid.*

Because nothing in the record reveals that the sanction against Petitioner was ever rescinded or lifted, the ALJ noted that the sanction was still in effect on June 10, 2015, when Petitioner applied to the Agency for an EA extension under HHE. See Initial Decision at 2. The issue here is whether the sanction was properly imposed. *Ibid.* However, Petitioner had 90 days from January 1, 2015, within which to appeal the sanction, but she did not do so. See Initial Decision at 3; see also N.J.A.C. 10:90-9.10(a).

Further, the ALJ noted that the Med-1 form dated January 13, 2015, submitted by Petitioner to the Agency after the imposition of her sanction, certifies that Petitioner was unemployable from October 1, 2014 to August 14, 2015. *Ibid.* Therefore, the ALJ stated that Petitioner is ineligible for HHE because that program is for employable persons, and the Med-1 form indicates that Petitioner is not employable. *Ibid.*

Moreover, the ALJ opined that the Med-1 form does not excuse Petitioner's work activity absences in October 2014, even though the form indicates that Petitioner's medical disorders began on October 1, 2014. See Initial Decision at 5. The ALJ pointed out that Petitioner's Individual Responsibility Plan ("IRP") specifically states that a Med-1 form must be completed and submitted to the Agency within ten days of a work requirement absence. Ibid. Since Petitioner's Med-1 form is dated January 13, 2015, and her work absences occurred in October 2014, it was submitted over two months late. Ibid.

Based on the foregoing, the ALJ concluded, and I agree, that the sanction imposed upon Petitioner was proper and stands. See Initial Decision at 5. Thus, Petitioner is ineligible for EA under HHE, and the Agency's denial of Petitioner's application was appropriate and is hereby affirmed.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

AUG 30 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director