



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 4809-14 B.T.

AGENCY DKT. NO. C200399 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 26, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 27, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

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

Petitioner received Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") until July 2014, and continues to receive Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Housing Hardship Extension ("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. It appears the Agency denied EA under the HHE pilot because Petitioner incurred two sanctions in the 12 months before her application. N.J.A.C. 10:90-6.9(c)(1).

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On December 1, 2013, the Agency imposed a sanction based upon Petitioner's non-compliance with WFNJ work activities, specifically her unexcused failure to take scheduled Tests of Adult Basic Education ("TABE"). N.J.A.C. 10:90-4.13. Petitioner did not appeal, and the Agency did not rescind the sanction.

In the absence of extraordinary or extenuating circumstances, and assuming an equitable or administrative convenience basis to enlarge the applicable 90-day appeal period, Petitioner did not in any event establish good cause for her conceded failure to take the scheduled TABE. N.J.A.C. 10:90-4.11. Petitioner provided no document evidence to support the contention her child had a fever on the date of the TABE, and in any event made no credible effort to comply with specific reporting requirements. N.J.A.C. 10:90-4.11(b)(2).

On February 26, 2014, the Agency imposed a sanction based upon Petitioner's unexcused failure to attend scheduled vocational education training. Petitioner contends she could not timely obtain appropriate immunizations for her child, the child could not attend approved day care, and as a result, Petitioner could not attend her work activity. Although the ALJ kept the record open for a period of time, Petitioner failed to submit document evidence regarding her child's immunizations.

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

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director