



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 10278-14 D.J.

AGENCY DKT. NO. C083323 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals 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 29 and September 23, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 24, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

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

In March 2014, the Agency granted WFNJ/TANF. In mid-April, 2014, Petitioner failed to appear for a scheduled comprehensive social assessment ("CSA"). N.J.A.C. 10:90-4.9. In late April 2014, the Agency paid utilities for March and EA in the form of temporary rental assistance for the period from mid-January through the end of May.

Sometime thereafter, the Agency imposed a sanction and/or a penalty based upon Petitioner's failure to attend the CSA, enforced a pro rata reduction of WFNJ/TANF,

and significantly, terminated EA effective June 1, 2014. N.J.A.C. 10:90-4.13; -6.6(a).

The Agency's termination of EA did not comply with N.J.A.C. 10:90-4.13(e). Similarly, the Agency did not establish non-compliance with the service plan ("SP"), and by extension a basis for the imposition of a penalty under N.J.A.C. 10:90-6.6(a).

The Agency's adverse actions directly led to the tenancy action in June 2014 and Petitioner's eventual eviction. There is no persuasive evidence to support the denial of Petitioner's reapplication for EA in August and the imposition of a 6-month penalty under N.J.A.C. 10:90-6.1(c)(3)(vi).

I therefore reverse the denial of EA and direct the Agency to rescind any penalties imposed under N.J.A.C. 10:90-6.6(a) and -6.1(c)(3).

With respect to the sanction, I find Petitioner received actual notice of the sanction and did not timely submit an appeal, suggest any extraordinary or extenuating circumstances that would support enlargement of the 90-day appeal period, and equally important, did not establish good cause for her failure to attend the scheduled CSA. N.J.A.C. 10:90-9.10(b); -4.11(b); -2.2; -6.2; 6.6; -4.9(b). Although Petitioner may maintain compliance with WFNJ work requirements, the sanction will remain on her record.

I will send copies of the Initial and Final Agency Decisions to the Division of Child Protection and Permanency, f/k/a DYFS, to ensure the health, safety and security of Petitioner's two young children.

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

OCT 20 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director