



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 10001-14 D.R.

AGENCY DKT. NO. C254167 (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 21, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and issued an Initial Decision which reversed 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 MODIFY the Initial Decision and 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. Petitioner either works or until recently regularly worked as a school bus driver.

Petitioner exhausted her 12-month lifetime EA limit and two 6-month extreme hardship extensions. N.J.A.C. 10:90-6.4. In June 2014, the Agency denied an extension of EA under the Housing Hardship Extension ("HHE") pilot because

Petitioner incurred a sanction in the 12 months prior to her application. N.J.A.C. 10:90-6.9(c)(1). The ALJ found good cause for Petitioner's non-compliance with WFNJ work activities and reversed the denial of EA under HHE. N.J.A.C. 10:90-4.11(a).

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve months, plus limited extensions for "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. The maximum amount of EA a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may receive is twenty-four months. *Ibid.*

In the event a WFNJ/TANF recipient has exhausted all of the "extreme hardship" extensions, she may qualify for a HHE, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. To qualify for a HHE, the WFNJ/TANF recipient must be "employable and have been in compliance with the WFNJ work requirements, but have been unsuccessful in obtaining full-time employment, have exhausted their twelve-month lifetime limit on EA and the two extensions, as appropriate, and are still in need of housing assistance to become self-sufficient." N.J.A.C. 10:90-6.9(a)(1). If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. *Ibid.* However, a WFNJ/TANF recipient who has received a sanction within the twelve-month period prior to applying for a HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

On May 1, 2014, the Agency imposed a sanction based upon Petitioner's non-compliance with WFNJ work activities. N.J.A.C. 10:90-4.13. Shortly thereafter, Petitioner contacted the Agency and took steps to come into compliance. Petitioner did not appeal, and the Agency did not rescind the sanction.

I reject the finding Petitioner did not receive notice of the sanction, and the conclusion lack of notice of a subsequent sanction constitutes good cause for non-compliance with WFNJ work activities. Petitioner is a long-time WFNJ/TANF and EA recipient subject to the WFNJ work requirement. Petitioner has on many occasions applied for or been recertified for a variety of WFNJ cash benefits and EA. Petitioner also has individual responsibility and service plans. Accordingly, Petitioner regularly receives important written communications from the Agency by mail.

Here, the sanction notice is correctly addressed. Equally if not more important, Petitioner contacted the Agency after the reduction of her WFNJ/TANF cash benefits, well within the 90-day period of time she had to appeal the sanction. N.J.A.C. 10:90-9.10. I therefore find Petitioner had either actual or implied notice of the sanction and did not timely appeal. Further, Petitioner did not establish good cause for her conceded non-compliance with WFNJ work activities. N.J.A.C. 10:90-4.11. Petitioner does not say why she did not participate in the scheduled WFNJ activity, much less comply with specific reporting requirements. N.J.A.C. 10:90-4.11(b)(2). As such, I find that the Petitioner incurred a sanction on May 1, 2014.

On July 1, 2014, the Agency imposed a second sanction based upon non-compliance with WFNJ work requirements. The ALJ correctly rescinded this sanction after appropriately finding good cause under N.J.A.C. 10:90-4.11(b)(2)(ii).

Because the Petitioner incurred a sanction on May 1, 2014, which was within 12 months of her application for a HHE, the Agency's denial was proper. N.J.A.C. 10:90-6.9(c)(1).

For the foregoing reasons, I REJECT the Agency determination as to the July 2014 sanction and AFFIRM the Agency's denial under HHE due to the May 2014 sanction.

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Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director