



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 11430-14 D.T.

AGENCY DKT. NO. GA561720 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's delayed determination of her application for Work First New Jersey/General Assistance ("WFNJ/GA"), and by extension its apparent denial of Emergency Assistance ("EA") in the form of temporary rental assistance. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On September 17, 2014, the ALJ issued an Initial Decision which concluded the Agency determinations were improper, held the Agency's assumed denial/termination of WFNJ/GA in abeyance pending issuance of an administrative subpoena and granted EA.

Neither party submitted exceptions.

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

Petitioner receives WFNJ/GA and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

Petitioner is the primary source of eligibility information and is responsible to provide all documentation required to establish eligibility for assistance. N.J.A.C. 10:90-1.6(a); -2.2(a)(5). "Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program requirements without good cause shall

render some or all of the assistance unit ineligible for WFNJ benefits." N.J.A.C. 10:90-2.2(d).

Petitioner made no apparent effort to obtain a requested written explanation why she left her most recent job, or to document the receipt and exhaustion of unemployment insurance benefits in connection with the Agency's evaluation of her WFNJ/GA eligibility. N.J.A.C. 10:90-3.1(a). The fact the Agency contacted Petitioner's former employer does not trigger an obligation to issue a likely unenforceable administrative subpoena to an out-of-state firm, much less make it primarily responsible to establish Petitioner's eligibility for WFNJ cash benefits.

Apposite to the Initial Decision, the Agency nevertheless did not deny or terminate WFNJ/GA, but instead apparently granted it under N.J.A.C. 10:90-1.2(f)(8). There is no adverse action to hold in abeyance, and no legal basis to direct the Agency to issue an administrative subpoena.

Under the circumstances, it is unclear why the ALJ states the Agency is paying EA to Petitioner. Petitioner is not eligible for EA simply because she receives WFNJ/GA cash benefits. Petitioner lives with her newly-adult daughter in a two-bedroom apartment. As a threshold matter, it is unclear whether Petitioner previously received WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF"), and if so, whether she has any time remaining on her cumulative 60-month lifetime limit for WFNJ cash assistance or her 12-month lifetime EA limit. N.J.A.C. 10:90-6.2; -2.3(a)(1); -6.4(a).

In connection with the foregoing, Petitioner does not meet the eligibility criteria for an extreme hardship extension under N.J.A.C. 10:90-6.4(b), even if it is available. Petitioner is not eligible for EA under N.J.A.C. 10:90-6.4(d) or the Housing Hardship Extension pilot because she is not a WFNJ/TANF recipient. N.J.A.C. 10:90-6.9. Likewise, Petitioner is not eligible for EA under the Housing Assistance Program pilot because she is employable and neither permanently disabled nor a Supplemental Security Income recipient. N.J.A.C. 10:90-6.10.

Petitioner does not have a 12-month written lease agreement. Petitioner was not homeless and did not document she was imminently homeless when she applied for EA. N.J.A.C. 10:90-6.1(a)(5); -6.3(a)(1)(ii). To the contrary, Petitioner's rent was only 4 days late. I therefore find Petitioner is presently ineligible for EA.

For the foregoing reasons, I REVERSE the Initial Decision.

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Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director