



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 12908-14 N.A.

AGENCY DKT. NO. C078667 (MIDDLESEX COUNTY BD. 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 October 22, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 27, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

The Agency submitted Exceptions to the Initial Decision on November 10, 2014.

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, f/k/a the Food Stamp Program, benefits.

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. Specifically, a WFNJ/TANF recipient may qualify for up to two six month extensions of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA a WFNJ/TANF recipient may receive is twenty-four months.

In the event an employable WFNJ/TANF recipient does not qualify for an "extreme hardship" extension or has exhausted all of the "extreme hardship" extensions, she may qualify for an extension under the HHE, N.J.A.C. 10:90-6.9. To qualify for an extension under the HHE pilot, a WFNJ/TANF recipient must be employable, willing to seek and accept full-time employment, and meet all other eligibility criteria set out in the regulation establishing the pilot program. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. Ibid. But, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for an extension under HHE is not eligible for the pilot. N.J.A.C. 10:90-6.9(c)(1).

The record for this matter demonstrates that the Petitioner has exhausted her 12-month lifetime EA limit and applicable "extreme hardship" extensions under N.J.A.C. 10:90-6.4, as well as 11 months of EA under HHE, N.J.A.C. 10:90-6.9. The Agency denied a further extension of EA under the HHE pilot, and Petitioner appealed.

The Agency produced two adverse action letters; one which terminated EA based upon Petitioner's alleged failure to comply with her Service Plan ("SP"), and a second which inexplicably references the 12-month lifetime EA limit. Exhibit R-1. Contrary to the adverse action letters, during the hearing, the Agency representative testified that the denial was due to the Petitioner having incurred a sanction in June 2014, within 12 months of her most recent application for HHE. N.J.A.C. 10:90-6.9(c)(1).

With respect to the merits of the sanction, the ALJ found the Agency failed to prove the existence of a sanction for alleged non-compliance with WFNJ work activities, more particularly an unexcused work appointment. N.J.A.C. 10:90-4.13. The Agency did not introduce either a timely, adequate adverse action letter or persuasive evidence Petitioner had notice of the alleged sanction. N.J.A.C. 10:90-9.1; -9.12.

Moreover, the WFNJ cash history printout indicates that in May and June 2014, the Petitioner received a WFNJ/TANF cash grant of \$552, which is consistent with her household size. Exhibit R-1. In July 2014, she received an unexplained increase in her cash grant to \$608. In August 2014, the Petitioner received a reduction in her WFNJ/TANF in the amount of \$442. Ibid. Without a copy of the notice of the sanction, the WFNJ history printout provided by the Agency demonstrates that, at best, the Petitioner had knowledge of the sanction no earlier than August 2014, which is well within the 90-day appeal period. N.J.A.C. 10:90-9.10.

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Finally, the ALJ found good cause for the Petitioner's alleged non-compliance with the WFNJ work requirement, specifically the Petitioner's credible testimony that was substantiated by document evidence that Petitioner notified the Agency of a scheduled court appearance, both before and after the WFNJ work activity. N.J.A.C. 10:90-4.11. I agree.

As such, I find that Petitioner timely appealed the Agency's adverse action notwithstanding the absence of timely and adequate notice, and established good cause for non-compliance with either WFNJ work activities or the SP. I therefore direct the Agency to rescind its adverse action, regardless of whether it imposed a sanction or a penalty.

I note that the Petitioner has received continuing assistance pending this appeal and appears to have exhausted her eligibility under the HHE pilot. The only remaining EA extension under which Petitioner may receive additional EA is the Housing Assistance Program ("HAP") pilot. Petitioner may apply for an extension of EA under the Housing Assistance Program ("HAP") pilot, N.J.A.C. 10:90-6.10. However, Petitioner must meet all HAP requirements to qualify for additional EA under HAP. The Agency is reminded of its obligation to provide the Petitioner with notice of the termination of her EA and, if applicable, notice of the denial of her request for HAP in accordance with N.J.A.C. 10:90-9.1 et. seq.

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

**NOV 19 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director