



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 11323-15 S.M.

AGENCY DKT. NO. C629526 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot. The Agency denied Petitioner an extension of EA benefits under HHE because, purportedly, she incurred a sanction within the 12-month period prior to applying for HHE. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 7, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

To qualify for HHE, the Work First New Jersey/Temporary Assistance for Needy Families ("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 12-month lifetime limit of 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 12 months of EA benefits. Ibid. However, a WFNJ/TANF recipient who has received a sanction within the 12-month period prior to applying for HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

Here, the record shows that Petitioner has received 12 months of EA benefits, and on May 21, 2015, applied for an extension of EA benefits under HHE. See Exhibit R-1. The Agency denied Petitioner's extension request under HHE because it contended that she had incurred a sanction within the 12-month period prior to applying for the HHE extension. See Initial Decision at 1, 2; see also Exhibit P-1. However, Petitioner testified that she was incorrectly sanctioned, and is in compliance with her WFNJ work activity. Id. at 2-3. Additionally, Petitioner is employable, and has a job offer pending. Id. at 3. The Agency representative acknowledged that the sanction "had been lifted and 'rectified' and that there did not appear to be a reason for the sanction." Ibid. Based upon the foregoing, the ALJ found that Petitioner should not have been sanctioned, that she is in compliance with her WFNJ work activity, and therefore, the Agency had improperly denied Petitioner EA benefits. Id. at 4.

I concur with this determination. Based upon the facts presented, and the date of Petitioner's application, I find that Petitioner is eligible for an extension of EA benefits under HHE.

By of comment, HHE, as well as the Housing Assistance Program ("HAP") pilot, expired on July 2, 2015, and no new applications are being accepted for those pilot programs. See DFD Instruction 15-7-02.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

AUG 19 2015

Natasha Johnson
Director