



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Kim Guadagno  
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Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 6355-15 S.R.

AGENCY DKT. NO. C213733 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot program. The Agency denied Petitioner an EA extension under HHE due to a sanction within the 12-month period prior to applying for the extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 8, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 8, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on May 12, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

HHE is a pilot program which expands upon the granting of extensions for EA benefits, for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients. See N.J.A.C. 10:90-6.9. However, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the 12-month period prior to applying for an extension under HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot.

The record indicates that Petitioner was receiving WFNJ/TANF benefits in the amount of \$322 per month until her benefits were reduced to \$161 in September 2014, due to a sanction. See Initial Decision at 3; see also Exhibit "Check History." It appears from the record that Petitioner's WFNJ/TANF case was reopened in December 2014, she applied for an extension of EA benefits under HHE, and was denied because she had incurred a sanction within the 12-month period prior to applying for HHE. See Initial Decision at 2; see also Exhibit "Check History."

The ALJ in this matter opined that because the Agency did not produce the Agency document noticing Petitioner of the sanction, she believed Petitioner never received notice of the sanction, therefore, the sanction was null and void, and Petitioner is to be awarded EA benefits. See Initial Decision at 3-4. I disagree with this conclusion.

It is clear that even if Petitioner did not receive the Agency sanction notice, I find that Petitioner had constructive notice of the sanction when her benefits were reduced on September 1, 2014. See Exhibit "Check History." Indeed, as indicated in the Agency Exceptions, Petitioner came to see her caseworker in September 2014, to inquire why her benefits had been reduced. See Exceptions at 2. Furthermore, it is also clear that Petitioner never appealed the sanction within the applicable 90-day appeal period, see N.J.A.C. 10:90-9.10. Any assertion by Petitioner now that the basis of the sanction was improper is untimely, and therefore, the sanction stands as imposed.

Based upon the foregoing, I agree with the Agency's determination in this matter, and pursuant to N.J.A.C. 10:90-6.9(c)(1), I find that Petitioner is ineligible for an extension of EA benefits under HHE because she incurred a sanction within the 12-month period prior to her application for EA benefits under HHE.

By way of comment, Petitioner may apply for an extension of EA benefits under HHE in September 2015, if she continues to need EA benefits, has not incurred another sanction, and is otherwise eligible for EA benefits pursuant to N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.9.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**MAY 21 2015**

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Natasha Johnson  
Director