



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

REMAND DECISION

OAL DKT. NO. HPW 10000-14 Y.S.

AGENCY DKT. NO. C272233 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and imposition of a sanction affecting her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 29, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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 WFNJ/TANF, Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the food Stamp Program, benefits.

In September 2013, the Agency imposed a sanction because Petitioner failed to attend a scheduled WFNJ work activity. The Agency did not rescind, and Petitioner did not appeal the sanction. In July 2014, the Agency imposed a second sanction because Petitioner did not participate in an assigned WFNJ work activity. In August 2014, Petitioner appealed the second sanction as well as the denial of an application for EA under the Housing Hardship Extension ("HHE") pilot.

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N.J.A.C. 10:90-6.9(c)(1) provides a WFNJ/TANF recipient is ineligible for EA under the HHE pilot if he or she incurred a sanction within 12 months of the application date. The ALJ did not consider the adverse effect of the September 2013 sanction upon an EA application submitted less than 12 months later. Although I find the Agency appropriately denied EA under the HHE pilot based upon the September 1, 2013 sanction, I further find this sanction is no longer a bar if Petitioner reapplies for EA.

There is sufficient credible evidence Petitioner had good cause for failure to participate with the WFNJ work activity that resulted in the July 2014 sanction. N.J.A.C. 10:90-4.11. The ALJ found Petitioner followed Agency directions regarding employer notification and provided her supervisor with at least two doctor's notes, substantiated by approved timesheets showing a series of excused absences. I therefore direct the Agency to rescind the July 2014 sanction.

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

Accordingly, this matter is REMANDED to the Agency to re-evaluate Petitioner under HHE and to implement regulations without regard to the aforementioned sanctions.

SEP 11 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director