



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 15230-14 A.B.

AGENCY DKT. NO. C085598 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she failed to comply with the work requirement and incurred a sanction within one year of applying for an EA extension under the Housing Hardship Extension ("HHE") pilot. Petitioner also appeals the imposition of a sanction on her WFNJ/TANF benefits, effective November 1, 2014, for failure to comply with the work requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On March 13, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision, and based upon an independent review of the record, I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a).

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship"

extension, see N.J.A.C. 10:90-6.4(b), or has exhausted all of the "extreme hardship"

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extensions, the recipient may qualify for an EA extension under HHE, which expands upon the granting of EA extensions for WFNJ/TANF recipients. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional 12 months of EA. *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).

The record in this matter reveals that Petitioner applied for an EA extension under HHE on October 30, 2014. See Initial Decision at 3, para. 7; see also Exhibit R-7. The Agency denied Petitioner's application because Petitioner had incurred a sanction within one year of applying for the EA extension under HHE. See Initial Decision at 3; see also Exhibit R-6. The record reflects that Petitioner had received a sanction, effective March 1, 2014, and there is no indication that Petitioner appealed the sanction, or that it was rescinded. See Exhibit R-10. As such, it remains in force and on this basis, I concur with the ALJ that the EA extension under HHE was properly denied.

Petitioner received another sanction, effective November 1, 2014. See Exhibit R-5. That sanction clearly is effective after the date of Petitioner's application for an EA extension under HHE, and not applicable to the October 30, 2014, EA denial. It does appear, however, that the November 1, 2014, sanction is contested by Petitioner. The ALJ indicates that, while the sanction was lifted and never went into effect because Petitioner provided a doctor's note, thereby providing good cause, the sanction was not rescinded, as the documentation was not timely submitted to the Agency. See Initial Decision at 3, para 15. A review of the record indicates, however, that Petitioner's WFNJ/TANF benefits were, in fact, reduced pro-rata due to the sanction on November 1, 2014. See Exhibit R-9 at 2. Petitioner then received an additional payment on November 21, 2014, thereby providing Petitioner with a full month of WFNJ/TANF benefits for November 2014. *Ibid.* As such, the payment of the withheld pro-rata amount, several weeks after the initial pro-rata reduction, supports the ALJ's finding that the sanction was lifted, but not rescinded. However, based upon my independent review of the record, the November 1, 2014, sanction should have been rescinded, and therefore, cannot be used as a bar to HHE eligibility.

Based upon the foregoing, I agree with the ALJ's decision to affirm the Agency's decision to deny Petitioner's application for EA benefits under HHE. I further direct that the November 1, 2014, sanction be rescinded.

Accordingly, the Initial Decision is ADOPTED and the Agency action is AFFIRMED.

Signed Copy on File

at DFD, BARA

MAY 12 2015

Natasha Johnson
Director