



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 11433-15 D.C.

AGENCY DKT. NO. C112122 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot, because Petitioner was sanctioned for non-compliance with her Work First New Jersey ("WFNJ") work activity within 12 months of her HHE application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 12, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed by Northeast New Jersey Legal Services, Inc. on behalf of Petitioner on August 17, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

WFNJ applicants and recipients must cooperate with WFNJ work requirements as a condition of eligibility. See N.J.A.C. 10:90-2.2(a)(2). "Any applicant who fails at any time to cooperate with any of the WFNJ work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C.

10:90-4.13.” See N.J.A.C. 10:90-2.2(d). Further, if a WFNJ recipient has incurred a sanction for non-compliance with their work requirement within 12 months of applying for HHE, they are ineligible for an EA extension under HHE. See N.J.A.C. 10:90-6.9(c)(1).

The record reflects that Petitioner entered into an EA service plan on December 1, 2014, under which she was obligated to engage in a mandatory work activity commencing December 9, 2014. See Initial Decision at 2; see also WFNJ Sanction Initiation Form at 6-8. Thereafter, on four separate days in December 2014, Petitioner failed to appear at her work activity. See Initial Decision at 2; see also WFNJ Sanction Initiation Form at 3-4. Despite written instructions to do so that are included in Petitioner’s service plan, she did not notify her work site supervisor of those absences. See Initial Decision at 2; see also WFNJ Sanction Initiation Form at 8. As a result, a sanction was imposed against Petitioner, effective March 1, 2015, for “[t]wo or more absences at an assigned work activity without good cause.” See Initial Decision at 2; see also WFNJ Sanction Initial Form at 1-4.

On February 13, 2015, the Agency mailed a written sanction notice to Petitioner at her last known address. See Initial Decision at 2; see also WFNJ Sanction Initiation Form at 9. At the fair hearing, Petitioner testified that she never received notice of the sanction because she had moved into a new apartment on February 1, 2015, and claimed that she notified the Agency of her address change on February 9, 2015. See Initial Decision at 2. However, no testimony was offered by Petitioner regarding any efforts she made to change her mailing address with the post office. *Ibid.* Further, Petitioner failed to provide the ALJ with proof of her alleged notification to the Agency of her new mailing address. *Ibid.*

The ALJ found that Petitioner never contacted her work site supervisor regarding the four absences from her work activity in December 2014, even though she was required to do so under the service plan she signed on December 1, 2014. See Initial Decision at 4. On that basis, the ALJ opined that Petitioner understood that her failure to comply with her work activity would result in the imposition of a sanction, regardless of whether or not she received the sanction notice mailed to her on February 13, 2015. See Initial Decision at 4-5. Moreover, the ALJ noted that Petitioner’s failure to produce evidence demonstrating any affirmative attempts made by her “to have the post office forward mail to her new address indicates that she failed to do so.” See Initial Decision at 5.

Based on the foregoing, the ALJ concluded, and I concur, that Petitioner is ineligible for an EA extension under HHE because she incurred a sanction for non-compliance with her WFNJ work requirement within 12 months of applying for a HHE extension. See Initial Decision at 5; see also N.J.A.C. 10:90-6.9(c)(1). Therefore, the Agency’s denial of Petitioner’s application was appropriate. *Ibid.*

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By way of comment, nothing in the record indicates that the March 1, 2015, sanction against Petitioner was ever rescinded by the Agency and it therefore stands. Moreover, Petitioner never appealed the imposition of the sanction within 90 days of its effective date, as is required by N.J.A.C. 10:90-9.10(a).

By way of further comment, I have reviewed the Exceptions submitted by Northeast New Jersey Legal Services, Inc. on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File
at DFD, BARA

AUG 25 2015

Natasha Johnson
Director