



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 14219-14 D.G.

AGENCY DKT. NO. C236014 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. The Agency denied Petitioner's application for an extension of EA under HHE due to two sanctions for non-compliance with a work activity within a 12-month period prior to Petitioner's application for an EA extension under HHE. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 13, 2014, the ALJ issued her Initial Decision reversing the Agency's determination. See Initial Decision at 10. The ALJ noted that Petitioner had been sanctioned twice, the first due to Petitioner's termination from a Community Work Experience Program ("CWEP") assignment because of an alleged theft, and the second due to absenteeism from a scheduled work activity, allegedly without good cause. In reviewing the first sanction imposed, effective April 1, 2014, the ALJ noted that Petitioner credibly testified that she had discussed the matter with her case worker shortly after the incident and thought it had been resolved, as Petitioner was then promptly scheduled for another CWEP assignment, beginning in April, and given child care. See Initial Decision at 6; see also Exhibits R-6 and R-8. The ALJ further found that the allegation was never proven. See Initial Decision at 8.

Page 2

In regards to the second sanction, effective August 1, 2014, the ALJ concluded that Petitioner had substantiated good cause for the absenteeism through documentation from a hospital. See *id.* at 6, 9; see also Exhibit P-4. Based upon the foregoing, the ALJ found that the Agency's denial of EA benefits under HHE could not be sustained. See Initial Decision at 10.

Exceptions to the Initial Decision were filed by the Agency on November 14, 2014.

As the Director of the Division of Family Development ("DFD"), 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 Initial Decision and REVERSE the Agency's denial of an extension of EA under HHE to the Petitioner.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a WFNJ/TANF recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. *Ibid.* Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is twenty four months.

In the event a WFNJ/TANF recipient does not qualify for an "extreme hardship" extension, or has exhausted all of the "extreme hardship" extensions, the recipient may qualify for HHE, which expands upon the granting of EA extensions for TANF recipients. See N.J.A.C. 10:90-6.9. To qualify for HHE, the 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 twelve 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 ALJ in this matter considered whether one, or both, of the sanctions in this matter should be rescinded, based upon good cause, which might then permit

Page 3

Petitioner to be considered for a further extension of EA under HHE. I concur with the conclusions made by the ALJ in this matter. Petitioner provided documentation to support good cause for the second sanction, and as such, that sanction is to be rescinded. Furthermore, the fact that Petitioner testified that she met with her caseworker shortly after being terminated from her CWEP activity in March, and was promptly reassigned to another CWEP activity and extended child care, clearly supports that the first sanction had been resolved and that sanction should have been rescinded. Moreover, I agree with the ALJ that the allegations, which served as the basis for the first sanction, were never proven.

I note that the Agency states in its Exceptions that Petitioner already received 6 months of EA under HHE. As such, Petitioner has a limited amount of EA benefits remaining under HHE and should be guided accordingly.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is hereby REVERSED.

Signed Copy on File
at DFD, BARA

NOV 26 2014

Jeanette Page-Hawkins
Director