



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 10003-14 J.O.

AGENCY DKT. NO. C083162 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits under the Housing Hardship Extension ("HHE") pilot because a sanction was incurred within the twelve month period prior to applying for a HHE. Because the Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On August 18, 2014, the ALJ issued an Initial Decision, which reversed the Agency's action. Despite concluding that Petitioner's time to appeal her sanction expired, the ALJ essentially found Petitioner had good cause for her absence from her work activity in September 2013 due to her child's illness and that the Agency should have rescinded her sanction. The ALJ concluded that the Agency improperly denied Petitioner a HHE because it should have rescinded Petitioner's sanction. The ALJ ordered the Agency to reconsider Petitioner's application for a HHE.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and I REJECT the Initial Decision for the reasons below.

It appears that Petitioner argued at the hearing that a sanction was improperly imposed by the Agency because she had good cause for her failure to comply with her September 2013 work activity and that after she returned to compliance the

sanction should have been rescinded instead of lifted. The Agency imposed a sanction effective November 1, 2013, on Petitioner for her failure to attend her work activity. See Agency Case Notes. The sanction was lifted effective December 1, 2013, when Petitioner came into compliance. Ibid. Petitioner did not appeal the imposition of the sanction, nor did she contest the Agency's action in lifting, not rescinding, the sanction. In August 2014, following the Agency's denial of a HHE, Petitioner requested a fair hearing. Pursuant to N.J.A.C. 10:90-9.10(a), a WFNJ/TANF applicant/recipient must request a hearing within 90 calendar days of a county agency action or inaction. Clearly, Petitioner's request for a fair hearing in August 2014 is well beyond the 90 days allowed for her to appeal the imposition of her sanction. Therefore, pursuant to N.J.A.C. 10:90-9.10(a), Petitioner's time to appeal the imposition of the sanction, including whether there was good cause to rescind the sanction, has expired. The only issue on appeal is whether the Agency properly denied Petitioner an extension of EA under the HHE pilot.

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 a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 months, plus two extreme hardship extensions. N.J.A.C. 10:90-6.4. Hence, the maximum amount of EA available to a WFNJ/TANF recipient is 24 months. In the event a WFNJ/TANF recipient has exhausted their lifetime limit of EA, including both "extreme hardship" extensions, she may qualify for a HHE, which expands upon the granting of EA extensions for TANF recipients. N.J.A.C. 10:90-6.9. However, in order to qualify for an extension under the HHE pilot, a WFNJ/TANF recipient must meet the strict criteria set out in the regulation establishing the pilot program. See N.J.A.C. 10:90-6.9. If eligible, the WFNJ/TANF recipient may receive up to an additional twelve months of EA. Ibid. But, a WFNJ/TANF recipient who has received a sanction within the twelve-month period prior to applying for an HHE is ineligible for the program. N.J.A.C. 10:90-6.9(c)(1).

In the present matter, Petitioner has received 24 months of EA. As a result, Petitioner has exhausted her lifetime limit of EA benefits, plus extreme hardship extensions. Significantly, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the twelve-month period prior to applying for a HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot. I find a review of the record clearly shows that Petitioner incurred a sanction effective November 1, 2013, which is well within the twelve months preceding her application for a HHE. Consequently, the Agency's denial of a HHE was proper because Petitioner incurred a sanction within twelve months of her EA application, thereby making her ineligible for a HHE pursuant to N.J.A.C. 10:90-6.9(c)(1).

By way of comment, Petitioner may reapply for the HHE pilot at the expiration of the sanction disqualification period.

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

AUG 27 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director