



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

FINAL DECISION

OAL DKT. NO. HPW 15252-14 K.H.

AGENCY DKT. NO. C235098 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of an 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 extension of EA due to two sanctions within the twelve (12) month period prior to applying for an extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Service, I reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

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 (12) 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 Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient may qualify for an additional six (6) months of EA when an "extreme hardship" exists. N.J.A.C. 10:90-6.4(d)(1). In the event the recipient's extreme hardship continues to exist at the expiration of the 6 month extension period, an additional 6 months of EA may be provided. N.J.A.C. 10:90-6.4(d)(2). Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is twenty four (24) 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 an extension of EA under 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 12 months of EA. *Ibid.* However, N.J.A.C. 10:90-6.9(c)(1) sets a bright-line rule that a sanction within the 12-month period prior to applying for an extension under HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot.

The record reveals that the Agency imposed two sanctions against the Petitioner. See Initial Decision at 1. The first, effective April 1, 2014, is one based upon Petitioner's failure to appear at the Agency for an expired activity assignment. *Id.* at 2; see also Exhibit R-1 at 13. The second, effective July 1, 2014, was for two or more absences at an assigned work activity. See Initial Decision at 2; see also Exhibit R-1 at 10. At the hearing, Petitioner testified she received neither of the sanction notices. *Id.* at 2. Petitioner asserted that because there was no written notice of the sanctions, notice was ineffective pursuant to N.J.A.C. 10:90-9.1(a)(1). *Id.* at 2-3. The ALJ nonetheless concluded that Petitioner's testimony was incredible and gave no merit to her contention that she did not receive either notice. *Id.* at 3. Further, the ALJ found Petitioner's appeal was out of time. *Ibid.* As such, the ALJ affirmed that Agency's denial of an additional month of EA benefits under HHE. *Ibid.*

Based upon the foregoing, I concur with the ALJ that the Agency's denial of an extension of EA benefits was proper. Petitioner has yet to provide an alternate rationale as to why the notices were not received at the address she provided for correspondence. To date, the notices have not been returned as undeliverable. See Initial Decision at 2. Moreover, even if Petitioner did not receive the adverse action notices, as she contends, I find that Petitioner had constructive notice of the sanction when her benefits were reduced on April 1, 2014. Petitioner never appealed the sanction within the 90 day appeal period, see N.J.A.C. 10:90-9.10, and therefore, the first sanction stands.

Furthermore, any appeal of the July 1, 2014, sanction is also out of time. Based on the regulatory dictate of N.J.A.C. 10:90-6.9(c)(1), Petitioner is not eligible for an extension of EA under HHE due to the sanctions.

Accordingly, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

FEB 10 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director