



**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 7635-15 L.M.

AGENCY DKT. NO. C328551 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she incurred a sanction within the 12-month period prior to applying for an extension of EA benefits under the Housing Hardship Extension ("HHE") pilot. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 29, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

HHE is a pilot program which expands upon the granting of extensions for EA benefits, for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipients. See N.J.A.C. 10:90-6.9. 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.

It appears from the record that Petitioner was receiving WFNJ/TANF benefits in the amount of \$322 per month until her benefits were reduced to \$215 on November 1, 2014, and then suspended on December 1, 2014, due to a sanction. See Exhibit "Case Manager's Notes;" see also Exhibit "Check History." Thereafter, she applied for an extension of EA benefits under HHE, and was denied on May 20, 2015 because she had incurred a sanction within the 12-month period prior to applying for HHE. See Initial Decision at 2; see also Exhibit "Notification Form." Of note, the February 2014 sanction date referred to in the record appears to be a typographical error, as the record indicates a sanction, effective date of November 1, 2014. See Exhibit "Case Manager's Notes;" see also Exhibit "Check History."

The ALJ in this matter opined that because the Agency did not produce any proof of a sanction, other than notes, and a payment history, and because Petitioner contended that she was never sanctioned, and never received any notice of a proposed sanction, that EA benefits cannot be denied to Petitioner. See Initial Decision at 2. I disagree with this conclusion.

Here, I find that even if Petitioner did not receive the Agency sanction notice, she had constructive notice of the sanction when her benefits were reduced on November 1, 2014 and then suspended on December 1, 2014. See Exhibit "Check History." Indeed, the Agency's notes indicate that Petitioner came into the Agency for a sanction orientation meeting on December 9, 2014. See Exhibit "Case Manager's Notes." Any assertion by Petitioner, now, that she was never sanctioned and never knew of a sanction does not comport with the evidence in the record. See Exhibit "Case Manager's Notes;" see also Exhibit "Check History."

Based upon the foregoing, I agree with the Agency's determination in this matter, and pursuant to N.J.A.C. 10:90-6.9(c)(1), I find that Petitioner is ineligible for an extension of EA benefits under HHE because she incurred a sanction within the 12-month period prior to her application for EA benefits under HHE.

By way of comment, Petitioner may apply for an extension of EA benefits under HHE on November 2, 2015, provided she continues to need EA benefits, has not incurred another sanction, and is otherwise eligible for EA benefits pursuant to N.J.A.C. 10:90-6.1 and N.J.A.C. 10:90-6.9.

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

*Signed Copy on File*

at DFD, BARA

**JUN 10 2015**

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Natasha Johnson

Director