



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 12382-14 Q.P.

AGENCY DKT. NO. C233241 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of an application for an extension of Emergency Assistance ("EA") in the form of temporary rental assistance under the Housing Hardship Extension ("HHE") pilot program, N.J.A.C. 10:90-6.9. The Agency denied Petitioner an EA extension under HHE due to a sanction within a 12 month period prior to applying for the extension. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony.

On October 1, 2014, the ALJ issued her Initial Decision affirming the Agency's determination. The ALJ noted that Petitioner had incurred a sanction, effective March 1, 2014, for failure to comply with her work activity. See Initial Decision 2. The ALJ further noted that it was undisputed that Petitioner never contested the sanction or sought to have it rescinded. See *id.* at 3. While Petitioner asserted that she had not received the adverse action notice imposing the sanction, the ALJ opined that Petitioner knew, or should have known, of the sanction given that she received no cash benefits between May and August 2014. See *id.* at 3. Accordingly, the ALJ concluded that the Agency action was proper as the record clearly established that Petitioner's sanction occurred within the one year prior to applying for an extension of EA under HHE, and therefore, Petitioner was not eligible for the EA extension. See *id.* at 4.

Exceptions to the Initial Decision were filed by counsel on behalf of the Petitioner on October 14, 2014. Petitioner asserts that the Agency did not provide the adverse action notice at the hearing, did not prove that it had placed the correct address on the mailing, or that it had affixed postage and placed it in the mail, and as such, the sanction should be rescinded, thereby making Petitioner eligible for the EA extension under HHE. See Exceptions at 2. The Exceptions further contend that as Petitioner did not receive notice of the sanction, she is not subject to the 90 day appeal time limit, and that she had child care issues which would defer her from a work activity. Ibid.

As the Director of the Division of Family Development, Department of Human Services, having considered the Initial Decision, and having made an independent evaluation of the record, I concur with the ALJ's Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, I find Petitioner's Exceptions to be without merit. I concur with the ALJ that Petitioner knew, or should have known that she had been sanctioned when she received no benefits from May 2014 until August 2014, when she came into compliance and her benefits were restored. As such, I find that Petitioner had constructive notice of the sanction when her benefits were closed, and it is undisputed that Petitioner did not appeal the sanction within the permitted time frame. Therefore, any argument asserting rescission of the sanction, is untimely and improper.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency action in this matter is AFFIRMED.

OCT 17 2014 *Signed Copy on File*
at DFD, BARA

Jeanette Page-Hawkins
Director