



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 5096-14 S.J.

AGENCY DKT. NO. C246693 (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 June 2, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On June 30, 2014, the ALJ issued her Initial Decision affirming the Agency's determination. The ALJ concluded that Petitioner could not prove that she had not received the adverse action notice imposing the sanction, as other documentation sent to Petitioner with the identical address were received. See Initial Decision at 3. Furthermore, as Petitioner had not appealed the sanction within the permissible 90 day appeal period, and the sanction occurred within the one year prior to applying for an extension of EA under HHE, Petitioner was not eligible for the EA extension. *Ibid.*

Exceptions to the Initial Decision were filed by counsel on behalf of the Petitioner on July 2, 2014. Petitioner asserts that the Agency 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address on the mailing, or that it had affixed postage and placed it in the mail, and as such, the sanction should be rescinded, thereby making Petitioner eligible for the EA extension under HHE.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.

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.

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. See 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 Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, 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, 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 shows that Petitioner was sanctioned for failing to keep an appointment with the Agency without good cause. See Exhibit R-1 at 9. A notice was then sent to Petitioner advising her of a sanction, effective September 1, 2013, which would result in a reduction in her WFNJ/TANF benefits. See Exhibit R-1 at 11.

It is clear that Petitioner received other documents sent to the same address. See Exhibit R-2 at 4-8. Moreover, even if Petitioner did not receive the adverse action notice, as she contends, I find that Petitioner had constructive notice of the sanction when her benefits were reduced September 1, 2013. Petitioner never appealed the sanction within the 90 day appeal period, see N.J.A.C. 10:90-9.10, and therefore, the sanction stands.

Accordingly, I find that the record clearly shows that Petitioner incurred a sanction during the 12 months preceding her application for an EA extension under HHE and Petitioner is ineligible for an EA extension under HHE.

By way of comment, I find Petitioner's Exceptions to be without merit. There is no indication that the address to which the notice was mailed was incorrect. To the contrary, documents entered into evidence by the Agency substantiate that the correct address was used by the Agency and those documents were received by Petitioner. See Exhibit R-2. The Agency did not receive any of the notices sent to Petitioner returned as undeliverable. See Initial Decision at 2. Furthermore, as I find that Petitioner had constructive notice of the sanction when her benefits were reduced, and it is clear that Petitioner did not appeal the sanction within the permitted time frame, any argument asserting rescission of the sanction, is untimely and improper.

Based upon the foregoing, the Initial Decision is hereby ADOPTED and the Agency action in this matter is AFFIRMED.

AUG 19 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director