



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 10766-14 T.K.

AGENCY DKT. NO. C197823 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 2, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents and issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby REVERSE the Initial Decision and the Agency determination.

Comprised of Petitioner and 3 children aged 7, 4 and 2 years, the assistance unit receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

Coincident with the termination of a 6-month extension of EA under the Housing Hardship Extension ("HHE") pilot, the Agency issued an inappropriately back-dated sanction which collectively resulted in an immediate pro rata reduction of WFNJ/TANF cash benefits, cessation of EA in the form of Temporary Rental Assistance ("TRA") and creation of a 12-month bar to EA under the HHE pilot. N.J.A.C. 10:90-9.1; -4.13(b); -6.9(c)(1). Cf. N.J.A.C. 10:90-4.13(e).

The record nevertheless establishes the Agency inappropriately imposed a sanction based upon Petitioner's alleged failure to attend a single Community Work Experience Program ("CWEP") activity on April 29, 2014. The unsubstantiated failure to attend a single WFNJ work activity is not a sufficient basis to impose a sanction. N.J.A.C. 10:90-4.13(i)(6).

Notwithstanding the foregoing, the family service worker who testified at the OAL hearing stated the Agency imposed the sanction, not because Petitioner allegedly failed to attend a CWEP activity, but because she did not "timely present work stubs from her employer." The Agency did not introduce a copy of Petitioner's individual responsibility plan, and provided no credible factual predicate or legal basis for the sanction. Moreover, the Agency's testimony directly conflicts with its contemporaneous case notes and Petitioner's credible testimony she timely submitted her paystubs, and in fact met several times with the Agency to discuss the issue. N.J.A.C. 1:1-14.6(i); -15.5(b).

I therefore direct the Agency to rescind the sanction and restore WFNJ/TANF cash benefits and EA eligibility effective June 1, 2014. N.J.A.C. 10:90-4.15(b). If the Agency pays retroactive EA in the form of TRA, Petitioner is advised she is potentially eligible for EA under the HHE pilot through November. If Petitioner has lost her present housing, she is potentially eligible for EA under the HHE pilot for up to an additional 6 months. In either scenario, Petitioner is reminded that she must remain compliant with the HHE criteria and eligible for EA generally in order to continue to receive EA benefits under HHE.

For the foregoing reasons, I REVERSE the Initial Decision and the Agency determination.

SEP 18 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director