



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 10674-14 T.R.

AGENCY DKT. NO. C155834 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, appeals from the Respondent Agency's denial of Emergency Assistance ("EA") under the Housing Hardship Extension ("HHE") pilot because she incurred a sanction within 12 months prior to her application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. Petitioner through her counsel, Northeast New Jersey Legal Services, requested an adjournment of her September 8, 2014, hearing date in order to obtain documents. Petitioner's hearing was rescheduled to September 15, 2014, and the matter was removed from the OAL's emergent calendar.

On September 15, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On September 25, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's denial of EA under the HHE pilot. Pursuant to N.J.A.C. 10:90-9.10, the ALJ concluded that Petitioner's appeal of her November 2013 sanction was out of time because it was requested more than 90 days after imposition of the sanction. The ALJ ordered that the Agency contact the Division of Child Protection and Permanency ("DCP&P") for the well-being of Petitioner's child and refer Petitioner to other organizations that may assist with her housing needs.

Exceptions to the Initial Decision were received on October 8, 2014, from Northeast New Jersey Legal Services, Inc., on behalf of Petitioner. Petitioner reiterates her argument from the hearing that she did not receive notice of a sanction. I find this argument unpersuasive and agree with the ALJ's fact and credibility findings in the Initial Decision with respect to this issue.

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As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I AFFIRM the Initial Decision and the Agency's denial of EA benefits to Petitioner under the HHE pilot based on her receipt of a sanction.

It appears that Petitioner argued at the hearing that her November 2013 sanction was improperly imposed by the Agency and as such, the sanction should not disqualify her from participation in the HHE pilot. The Agency imposed a sanction, effective November 1, 2013, on Petitioner for her failure to comply with her work activity. See Exhibit R-8, Agency Notice to Petitioner, dated October 11, 2013. Petitioner did not appeal the imposition of the sanction. Around August 2014, following the Agency's denial of a HHE, Petitioner requested a fair hearing. Pursuant to N.J.A.C. 10:90-9.10(a), a WFNJ/TANF applicant/recipient must request a hearing within 90 calendar days of a county agency action or inaction. Clearly, Petitioner's request for a fair hearing in August 2014 is well-beyond the 90 days allowed for her to appeal the imposition of her November 2013 sanction. Therefore, pursuant to N.J.A.C. 10:90-9.10(a), Petitioner's time to appeal the imposition of the November 2013 sanction has expired and the only issue on appeal is whether the Agency properly denied Petitioner an extension of EA under the HHE pilot.

Here, Petitioner is ineligible for an extension of EA benefits under the HHE pilot. Specifically, 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 a HHE disqualifies a WFNJ/TANF recipient from eligibility for the HHE pilot. I find a review of the record clearly shows that Petitioner incurred a sanction based upon her failure to comply with her work activity. See e.g. Exhibit R-7, WFNJ Sanction Initiation Form and Exhibit R-8, Agency Notice to Petitioner, dated October 11, 2013. Consequently, the Agency's denial of a HHE was proper because Petitioner incurred a sanction within 12 months of her EA application, thereby making her ineligible for a HHE pursuant to N.J.A.C. 10:90-6.9(c)(1).

By way of comment, the Agency shall refer Petitioner to any organizations that may be able to assist with her current needs. Also, in light of the ALJ's concern about the welfare and safety of Petitioner's child, a copy of the Initial and Final Decisions shall be sent to the DCP&P.

Accordingly, the Initial Decision is AFFIRMED.

OCT 21 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director