

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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Chris Christie

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Elizabeth Connolly
Acting Commissioner
Natasha Johnson
Director

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

REMAND DECISION

OAL DKT. NO. HPW 6256-15 J.C.

AGENCY DKT. NO. C216498 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA because she failed to submit her extension application within 15 days. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 5, 2015, the ALJ issued his Initial Decision reversing the Agency determination and remanding the case to the Agency for further action.

No exceptions to the Initial Decision were filed.

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

The record reveals that Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and she has received 24 months of EA/TRA through March 2015. See Initial Decision at 2. The Agency asserts that on March 3, 2015, it mailed a WFNJ-15 notification form, as well as an EA/TRA extension application, to Petitioner advising that her EA/TRA would soon be ending. Ibid. However, the Agency failed to produce a copy of the WFNJ-15 notice at the hearing. Ibid.

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On April 7, 2015, Petitioner submitted her EA/TRA application seeking a 12-month extension under the Housing Hardship Extension ("HHE") pilot project. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9. Petitioner believes she qualifies for a HHE extension because she suffered from depression after the father of her children passed away two years ago, but she is now able to work and has applied for employment as a law enforcement officer. See Initial Decision at 2-3; see also Exhibits P-1 and P-2.

At the hearing, the Agency representative testified that when Petitioner submitted her April 7, 2015, application, the Agency did not determine Petitioner's eligibility for a HHE extension. See Initial Decision at 4. Instead, the Agency terminated Petitioner's EA/TRA because her extension application was submitted more than 15 days after it was mailed to her. Ibid.

In his Initial Decision, the ALJ concluded, and I agree, that the Agency's action should be REVERSED, and that this case should be REMANDED to the Agency for a determination on the merits of Petitioner's EA/TRA extension eligibility under HHE.

By way of comment, the Agency misinterpreted the relevant Division of Family Development Instruction ("DFDI") when it terminated Petitioner's EA/TRA. The DFDI relied upon by the Agency states that an EA recipient "shall have 15 days to apply for an EA extension." See DFDI No. 12-02-06 dated February 14, 2014. nothing in the EA or HHE regulations imposes a 15-day deadline upon an EA extension applicant. Therefore, the 15-day period included in DFDI No. 12-02-06 is not a requirement, it is merely a suggestion meant to provide guidance to the Agency.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination is REVERSED, and this case is REMANDED to the Agency for further action as set forth above.

> Signed Copy on File JUL - 6 2015 at DFD, BARA Natasha Johnson

Director