



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 8361-14 C.R.

AGENCY DKT. NO. C249466 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals Respondent Agency's imposition of a sanction affecting petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 28, 2014 and August 11, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held plenary hearings, took testimony and admitted documents. On August 19, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted an exception on September 23, 2014 requesting that the matter be remanded to the OAL.

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

The Agency imposed a sanction after Petitioner failed to attend a recommended Substance Abuse Initiative ("SAI") program in April 2014 and a recommended psychiatric evaluation in May. The Agency found no good cause for Petitioner's failure to participate in WFNJ program activities. I agree.

Every adult WFNJ recipient, unless specifically deferred, "shall cooperate with, and participate in, the WFNJ work requirements as a condition of eligibility for the receipt of cash assistance benefits." N.J.A.C. 10:90-4.1(a)(1).

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Failure to actively cooperate with or participate in the WFNJ work requirements, without good cause, shall be considered non-compliance and shall result in the loss of cash assistance benefits in accordance with N.J.A.C. 10:90-4.13." N.J.A.C. 10:90-4.1(d).

Petitioner did not attend the first two of three recommended SAI treatment programs. Petitioner intermittently attended four sessions of a third program, ceased participation because he was allegedly sick and shortly thereafter asked the treatment facility to close his case notwithstanding the facility's recommendation of a higher level of treatment. The facility offering the third program will no longer accept Petitioner because he failed a drug screening. Petitioner offered no good cause for his material non-participation in the SAI program.

Petitioner contends he suffers from post-traumatic stress syndrome and says he wants psychiatric treatment. Notwithstanding, Petitioner provided no reason for his failure to attend scheduled psychiatric evaluations in March and May 2014.

I encourage the Agency to renew efforts to provide appropriate services to Petitioner. At its discretion, the Agency may rescind the sanction if it determines Petitioner has come into compliance with WFNJ program requirements.

I will send copies of the Initial and Final Agency Decisions to the Division of Child Protection and Permanency, f/k/a DYFS, to ensure the health and safety of Petitioner's children.

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

NOV 07 2014

Signed Copy on File

at DFD, BARA

Jeanette Page-Hawkins
Director