



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 10507-14 D.R.

AGENCY DKT. NO. C271994 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") and imposition of a sanction affecting Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 25, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 27, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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 REVERSE the Agency determination.

Petitioner receives WFNJ/TANF, Medicaid, and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In June 2014, the Agency terminated EA in the form of temporary rental assistance. In August, the Agency imposed a sanction based upon Petitioner's alleged failure to comply with WFNJ work requirements. It appears the Agency also contemporaneously closed Petitioner's WFNJ/TANF case.

The Agency must assemble all relevant records, and identify and arrange for participation of individuals and staff who are essential to the OAL hearing. N.J.A.C. 10:90-9.5(a)(4). The Agency did not introduce any evidence to credibly explain, much less substantiate, its series of adverse actions. Accordingly, the ALJ found the Agency failed to prove it appropriately terminated EA, imposed a sanction for non-compliance with WFNJ work activities and apparently closed Petitioner's WFNJ/TANF case.

The Agency did not produce an adverse action letter or explain why it terminated Petitioner's EA in June 2014. N.J.A.C. 10:90-9.1.

When Petitioner promptly contacted the Agency, he was told he would "undergo a reassessment." The Agency did not explain what it meant by a "reassessment" or why it required Petitioner to take the Tests of Adult Basic Education ("TABE").

The Agency did not produce, is "not sure" it issued and Petitioner credibly testified he did not receive an appointment letter to take the TABE, presumably sometime before mid-July 2014. N.J.A.C. 10:90-4.11.

Notwithstanding, the Agency imposed a sanction based upon Petitioner's alleged failure to comply with WFNJ work requirements. N.J.A.C. 10:90-4.13. Petitioner again promptly contacted the Agency, came into compliance by taking the TABE on July 30, 2014 and received a new WFNJ work activity beginning on August 4, 2014. See N.J.A.C. 10:90-4.13(b)(1). Petitioner appeared for the scheduled activity but was told he could not participate because he was in sanction status.

Petitioner yet again promptly contacted the Agency to resolve the termination of EA and the termination of WFNJ/TANF, without either success or explanation.

The Agency did not offer any credible evidence or explanation to support its adverse actions. Despite Petitioner's repeated efforts, the Agency did or could not explain, much less resolve reasonable concerns about the status of his WFNJ/TANF case. I therefore direct the Agency to rescind the sanction and to retroactively reinstate EA to June 1, 2014, and WFNJ/TANF to August 1, 2014.

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

Signed Copy on File
at DFD, BARA

SEP - 8 2014

Jeanette Page-Hawkins
Director