



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 10490-18 K.B.

AGENCY DKT. NO. C389274007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the denial of Emergency Assistance ("EA") benefits in the form of temporary rental assistance ("TRA"). The Agency sanctioned Petitioner's WFNJ/TANF benefits contending that she failed to comply with WFNJ program requirements, and denied Petitioner EA/TRA benefits contending that she failed to provide documentation required to determine her EA benefits eligibility, and that the cost of her apartment was over the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 26, 2018, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 27, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination regarding the denial of EA benefits to Petitioner.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

As a condition of eligibility for WFNJ benefits, the applicant shall, subject to good cause exceptions, be required to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). Additionally, all applicants and recipients are in all instances the primary source of information about themselves and their families, needed to determine eligibility for WFNJ benefits. See N.J.A.C. 10:90-1.6.

Failure of the WFNJ benefits recipient to cooperate with, or participate in, work activities, and or WFNJ program requirements without good cause, shall result in the sanctioning of, and the potential loss of, the recipient's cash assistance benefits. See N.J.A.C. 10:90-2.2(d), -4.11, -4.13(a).



N.J.A.C. 10:90-6.3(a)(7) states in pertinent part, that the Agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current FMR, as established by the United States Department of Housing and Urban Development for the county of residence.

Here, the ALJ found that Petitioner failed to provide the Agency with requested documentation needed to determine Petitioner's eligibility for EA/TRA benefits, without good cause. See Initial Decision at 3; see also Exhibits R-1, R-2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must be affirmed. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-2.2(a)(5). I agree. Moreover, the record reflects that Petitioner's housing cost of \$1,500 per month is over the FMR of \$1,314 for a two-bedroom apartment in Essex County, and on that basis, Petitioner is also ineligible for EA/TRA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(7).

Although the ALJ did not render a finite conclusion regarding the sanctioning of Petitioner's WFNJ/TANF benefits, the ALJ found that Petitioner had failed to comply with WFNJ program requirements resulting in a sanctioning of her WFNJ/TANF benefits, and that she failed to provide any evidence to establish good cause for such failure. See Initial Decision at 2-3; see also Exhibits R-4, R-5. Moreover, Petitioner acknowledged her need to come into compliance with that sanction in order to have the sanction lifted. See Exhibit R-3. Based on the foregoing, I find that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was also proper and must stand. See N.J.A.C. 10:90-2.2(d), -4.11, -4.13. The Initial Decision is modified to include this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

AUG - 6 2018

Natasha Johnson
Director

