



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

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

FINAL DECISION

OAL DKT. NO. HPW **04762-19 A.T.**

AGENCY DKT. NO. **C132475003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the termination of Emergency Assistance ("EA") benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits, contending that she failed to comply with the mandatory WFNJ work activity. The Agency terminated Petitioner's EA benefits, contending that she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, 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 with respect to the sanctioning of Petitioner's WFNJ/TANF benefits, and REVERSE the Agency's determination as to Petitioner's EA benefits, as discussed below.

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-2.2(a)(2), -4.1(d). If a WFNJ benefits recipient fails to comply with their work activities, without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Pursuant to applicable regulatory authority, EA benefits shall not be discontinued, due to a sanction for noncompliance with the work requirement, until one month after all WFNJ cash assistance has been



terminated and the case closed due to the failure to correct a sanction. See N.J.A.C. 10:90-4.13(e), -6.1(c)(5), and -6.3(a)(7)(ii).

Here, in accordance with regulatory authority, Petitioner was required to participate in a WFNJ work activity, and said requirement was incorporated into her Individual Responsibility Plan ("IRP"). See Initial Decision at 2; see also Exhibit R-1 at 21, and N.J.A.C. 10:90-2.2(a)(2), -4.7. On March 14, 2019, Petitioner was sanctioned, effective April 1, 2019, for failing to comply with her work activity. See Initial Decision at 2; see also Exhibit R-1 at 16-20, and N.J.A.C. 10:90-4.13. The record also reflects that Petitioner's WFNJ/TANF benefits case will close on June 1, 2019, if she fails to come into compliance with her work activity. See Exhibit R-1 at 16; see also N.J.A.C. 10:90-4.13(b)(2). Based on an independent review of the record, I concur with the ALJ's conclusion that Petitioner failed to comply with the mandatory WFNJ work activity, without good cause, and that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was therefore proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 16-18, and N.J.A.C. 10:90-4.13.

The Agency also terminated Petitioner's EA benefits, effective April 5, 2019, contending that she was no longer a WFNJ benefits recipient, nor an SSI benefits recipient. See Initial Decision at 2; see also Exhibit R-1 at 12-15, and N.J.A.C. 10:90-6.2(a). The ALJ agreed with the Agency's determination. See Initial Decision at 4. I respectfully disagree with the ALJ's conclusion. Rather, in accordance with applicable regulatory authority, I find that Petitioner's WFNJ/TANF case has not yet closed due to sanction, and as such, Petitioner remains eligible for EA benefits until one month after all WFNJ cash assistance has been terminated, and the case closed, due to the failure to correct a sanction. See Exhibit R-1 at 16; see also N.J.A.C. 10:90-4.13(e), -6.1(c)(5) and -6.3(a)(7)(ii). Based on the foregoing, I find that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 2, 4; see also Exhibit R-1 at 12-15. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED in part, as to the sanctioning of Petitioner's WFNJ/TANF benefits, and REVERSED in part, as to the termination of EA benefits, as outlined above.

Officially approved final version.

JUN 21 2019

Natasha Johnson
Director

