



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 13649-18 C.M.

AGENCY DKT. NO. C057922018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits, contending that she failed to comply with the mandatory WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 13, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for submissions by the parties, after which the record closed on November 20, 2018.

On December 10, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner executed a WFNJ Individual Responsibility Plan ("IRP") wherein she agreed, among other things, to participate in the mandatory WFNJ work activity beginning March 1, 2018, five days a week, from 9:00 am to 2:30 pm; and that she was to notify the Agency if she was unable to attend an activity prior to the scheduled time. See Initial Decision at 2; see also Exhibits R-2, R-3. However, the ALJ found that Petitioner failed to attend the required work activity on August 1, 2, 3, and 8, 2018, and failed to attend on at least three or four other days, thereafter; that she failed to notify the Agency prior to such absences; and that she failed to provide credible evidence as to any good cause for such failures. See Initial Decision at 2-4, 6; see also Exhibits R-5, R-6, R-11, R-12, R-13, R-15, R-17, R-19, R-21. The ALJ also found that Petitioner had child care and transportation available from the Agency, that she never contacted the Agency with any problems regarding those services, and that the Agency had reminded Petitioner on several occasions of her requirement to come into compliance with her work activity in order to have the sanction lifted. See Initial Decision at 4-6, 8; see also Exhibits R-7, R-8. Further, the ALJ found that Petitioner had not notified the Agency concerning any obstacles prohibiting her from attending the work activity. See Initial Decision at 6. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with the mandatory WFNJ work activity, without good cause, and that the Agency's sanctioning of her WFNJ/TANF benefits was proper and must stand. See Initial Decision at 6-8; see also Exhibit R-7, and N.J.A.C. 10:90-4.1(a)(1), -4.2, -4.13. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 17, 2018, and by the Agency on December 24, 2018.

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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner and find that the arguments made therein do not alter my decision in this matter.



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By way of further comment, I have reviewed the Exceptions submitted by the Agency and find that, while the ALJ refers to WFNJ/GA benefits in the legal analysis of the Initial Decision, that error does not alter the substantive determination and outcome in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

JAN - 8 2019

Natasha Johnson
Director

