



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 05605-19 E.H.

AGENCY DKT. NO. C159736003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she failed to come into compliance with her WFNJ benefits sanction, and terminated Petitioner's EA benefits, contending that she was no longer a WFNJ benefits recipient and that she had failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 1, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 2, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner failed to comply with her mandatory WFNJ work activity, and as a result, on December 1, 2018, her WFNJ benefits were sanctioned. See Initial Decision at 2. Despite written notices and several telephone contacts by the Agency to Petitioner regarding her need to comply with the work activity and cure her sanction, Petitioner failed to comply, and on February 1, 2019, her WFNJ benefits case was closed and her WFNJ/TANF benefits terminated. *Id.* at 3; see also Exhibit R-4. Petitioner claimed that she was unable to comply with her required work activity because she lacked child care, and that she was unaware that her WFNJ benefits had been sanctioned or that she could comply with the required work activity and cure her sanction. See Initial Decision at 3. Of note, child care services would have been available to Petitioner through the Agency, if requested. See N.J.A.C. 10:90-5.2. Petitioner further testified that she had not received any of the Agency's notices. See Initial Decision at 3. The ALJ found that the Agency notices had been sent to Petitioner's correct mailing address, and that Petitioner had failed to attend any of her Agency appointments or attend any of her work activities, without good cause. *Id.* at 3-4. Moreover, the ALJ found that Petitioner had not appeared at the Agency since October 2018. *Id.* at 3. Based on the testimony and documentary evidence, the ALJ concluded that Petitioner had failed to comply with the required WFNJ work activity, without good cause, and that the Agency's termination of her WFNJ/TANF benefits was proper and must stand. *Id.* at 3-5; see also N.J.A.C. 10:90-4.11, -4.13. I agree.

Further, the record reflects that Petitioner executed three SPs, dated August 31, 2018, September 4, 2018, and September 27, 2018, wherein she agreed, among other things, to attend all Agency scheduled appointments and to provide proof of ten housing searches per month to the Agency by the 15th of each month. See Initial Decision at 2-3; see also Exhibit R-1 at 49-51. The ALJ found that Petitioner had failed to attend her Agency scheduled meetings, without good cause, and that she had failed to timely provide her required housing searches. See Initial Decision at 3-4. Specifically, the record indicates that it was not until April 15, 2019, that Petitioner provided the Agency with her housing searches for the months of September 2018, through March 2019. See Initial Decision at 3; see also Exhibit



R-3. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, without good cause, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-5; see also Exhibit R-1 at 40-43, and N.J.A.C. 10:90-6.6(a). Further, in accordance with regulatory authority, the ALJ imposed upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(vi), -6.6(a). I also agree. Moreover, because Petitioner is no longer a WFNJ benefits recipient, nor a Supplemental Security Income recipient, she is also ineligible for EA benefits on that basis. See Exhibit R-1 at 40-43; see also N.J.A.C. 10:90-6.2(a).

No Exceptions to the Initial Decision were received.

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, because Petitioner has been receiving continued assistance pending the outcome of this hearing, I find that her six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAY - 8 2019

Natasha Johnson
Director

