



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 12427-19 L.W.

AGENCY DKT. NO. C268648009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the termination of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to come into compliance with a prior sanction, and terminated Petitioner's EA benefits because 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 October 3, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties the opportunity to submit and explain additional documentation. The record then closed on October 22, 2019. On October 31, 2019, the ALJ issued an Initial Decision, reversing 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 REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner's WFNJ/TANF benefits had been sanctioned, and her WFNJ benefits case closed, for failure to comply with the required WFNJ work activity. See Initial Decision at 2; see also Exhibits R-1, R-10, and N.J.A.C. 10:90-4.13. Consequently, Petitioner's EA benefits had been terminated because she was no longer a WFNJ benefits recipient, nor an SSI benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). In order to again be eligible for WFNJ benefits, Petitioner was required to reapply for said benefits and complete a ten-day work activity so that the sanction would be lifted. See Initial Decision at 2, 4; see also Exhibit R-1. The ALJ found that Petitioner was required to complete the required ten-day work activity between the dates of July 11 and July 31, 2019, in order to come into compliance with her prior sanction. See Initial Decision at 4-6; see also Exhibits R-6, R-7. Nevertheless, the ALJ also found that the Agency had denied Petitioner WFNJ/TANF benefits prior to the July 31, 2019, completion date, for failure to comply with her ten-day work activity. See Initial Decision at 4-6. However, the ALJ concluded that Petitioner had completed a ten-



day work activity period, having worked seven days within the time period between July 15 and July 26, 2019, and having been excused from attending the work activity on July 23, 25, and 26, 2019. Id. at 6; see also Exhibits P-1, P-2, R-8. Moreover, the ALJ further concluded that Petitioner should have been permitted to attend the work activity through July 31 as originally authorized by the Agency, yet she was not permitted to do so. See Initial Decision at 6. Accordingly, the ALJ ordered the Agency to lift Petitioner's sanction and reversed the Agency's denial of WFNJ/TANF benefits to Petitioner on that basis. Ibid.; see also N.J.A.C. 10:90-4.15(a). I agree.

Further, the transmittal in this matter indicates that Petitioner appealed a termination of her EA benefits, however, such termination was not addressed by the ALJ in the Initial Decision. Because I concur with the ALJ's conclusion regarding the sanction/denial of WFNJ/TANF benefits to Petitioner, I find that the Agency's termination of Petitioner's EA benefits, on the basis that she is not a WFNJ or SSI benefits recipient, was also improper and must be reversed. See Initial Decision at 6; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect this finding.

By way of comment, the transmittal in this matter further indicates that Petitioner appealed a denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. However, the record reflects that Petitioner is now receiving SNAP benefits and has no issue regarding said SNAP benefits. See Initial Decision at 2. Therefore, Petitioner's SNAP issue is now moot, and not addressed in this Final Agency Decision.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

DEC 18 2019

Natasha Johnson

Assistant Commissioner

