



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 07395-19 S.W.

AGENCY DKT. NO. C115004008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she 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 June 28, 2019, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 10, 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 MODIFY the Agency's determination, based on the discussion 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).

Here, Petitioner was required to participate in a WFNJ work activity, and said requirement was incorporated into Petitioner's SP. See Initial Decision at 2; see also Exhibit R-1 at 11, and N.J.A.C. 10:90-2.2(a)(2), -6.6(a). On May 1, 2019, Petitioner was sanctioned for failing to comply with their



work activity. See Initial Decision at 2-3; see also "Notice Form" dated April 9, 2019, and N.J.A.C. 10:90-4.13. As of the time of the hearing, Petitioner had not come into compliance with her work activity, and unless she has since come into compliance, her WFNJ/GA benefits case will close on July 1, 2019. See Initial Decision at 3-4; see also N.J.A.C. 10:90-4.13(a), (b), (c). Although the sanctioning of Petitioner's WFNJ/GA benefits was not a transmitted issue, based on the ALJ's finding that Petitioner had failed to comply with her WFNJ work activity, without good cause, and based on an independent review of the record, I find that the Agency's sanctioning of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-2, "Notice Form" dated April 9, 2019, and N.J.A.C. 10:90-2.2(e), -4.1(d), -4.13. The Initial Decision is modified to reflect these findings.

Despite the fact that Petitioner's SP requires her to "[r]emain current with WFNJ activity," in accordance with the applicable regulatory authority referenced above, Petitioner remains eligible for EA benefits until one month after her cash assistance has terminated and her WFNJ/GA benefits case has closed. See Exhibit R-1 at 11; see also N.J.A.C. 10:90-4.13(e), -6.1(c)(5). Presuming that Petitioner failed to come into compliance after being sanctioned effective May 1, 2019, the earliest date that Petitioner's EA benefits could terminate would be August 1, 2019. See "Notice Form" dated April 9, 2019, and N.J.A.C. 10:90-4.13(e), -6.1(c)(5). Based on the foregoing, I find that the Agency's termination of Petitioner's EA benefits and the ALJ's imposition of a six-month EA ineligibility penalty were improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1 at 2. However, I find that if Petitioner has not come into compliance with her WFNJ work activity by July 1, 2019, it can be presumed that her WFNJ/GA benefits case has properly closed, and as such, the Agency shall terminate Petitioner's EA benefits, effective August 1, 2019, without further notice. See N.J.A.C. 10:90-6.1(c)(5). The Initial Decision and the Agency's determination are modified to reflect these findings.

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

Officially approved final version.

AUG 20 2019

Natasha Johnson  
Director

