



State of New Jersey

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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 05157-19 T.B.

AGENCY DKT. NO. S751024009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's sanctioning of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits, contending that he 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 May 1, 2019, the Honorable Andrew Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 22, 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, as outlined below.

Here, the record reflects that Petitioner was allegedly terminated from his mandatory WFNJ work activity due to "disrespectful and disruptive" behavior towards his peers and the staff. See Initial Decision at 2-3; see also Exhibit R-1 at 7. As a result, the Agency sanctioned Petitioner's WFNJ/GA benefits. See Exhibit R-1 at 1-3, 6; see also N.J.A.C. 10:90-4.1(d), -4.13. Petitioner testified that he was terminated because he had been vocal about hazardous work conditions at the various job sites. See Initial Decision at 2-4. The ALJ found Petitioner's testimony credible, and determined that his termination from the work activity was retaliatory for him "speaking up" about poor work conditions. *Id.* at 3-4. Further, the ALJ found that Petitioner's past compliance with the mandatory work activity, substantiated by the numerous certifications admitted into evidence, indicated that Petitioner would not have voluntarily left the program two months prior to its completion. *Id.* at 4; see also Exhibit P-1. Moreover, due to those hazardous job conditions, the ALJ found that Petitioner would have had good cause if he had chosen not to complete that work activity. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was improper and must be reversed. *Ibid.*; see also Exhibit R-1 at 1-3, and N.J.A.C. 10:90-4.13(a). While I agree with the ALJ's conclusion regarding the impropriety of the Agency's sanction, Petitioner is a WFNJ/GA benefits recipient, not a WFNJ/TANF benefits recipient, as stated throughout the ALJ's Initial Decision, and as



such, I find that the Agency's sanctioning of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 1-4; see also Exhibit R-1 at 1-3, 6. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

JUN 25 2019

Natasha Johnson

Director

