



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 02842-20 Y.P.

AGENCY DKT. NO. C286929016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Petitioner's Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the denial of an extreme hardship extension of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits, contending that she failed to comply with the WFNJ mandatory work activity. The Agency denied Petitioner an extension of EA benefits, and imposed a six-month EA ineligibility penalty, due to the purported non-compliance with the work requirement, in alleged violation of Petitioner's EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2020, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. In light of Petitioner's homelessness, the ALJ converted the matter to an emergent case. On March 13, 2020, 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.

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 Individual Responsibility Plan ("IRP"). See Initial Decision at 3; see also Exhibits R-1 at 18-19, and N.J.A.C. 10:90-2.2(a)(2), -4.1(d). The record reflects that Petitioner missed eight mandatory work activity days during the month of December, 2019. See Initial Decision at 3. Thereafter, on January 13, 2020, the Agency notified Petitioner that her WFNJ/TANF benefits would be sanctioned effective February 1, 2020. *Ibid.*; see also Exhibit R-1 at 21. The ALJ in this matter found that Petitioner had provided good cause, substantiated by supporting documentation, for failing to comply with her WFNJ work activity. See Initial Decision at 3-4, 6. Accordingly, the ALJ found that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was improper and must be reversed. *Id.* at 7. I agree.

Additionally, the ALJ found that Petitioner remains eligible for EA benefits, and that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility penalty were also improper and must be reversed. *Ibid.* I also agree. The ALJ further ordered that Petitioner be permitted to reapply for EA benefits. *Ibid.* The record reflects that the relevant Adverse Action Notice in this case denied Petitioner an extension of EA benefits due to the purported non-compliance with a work activity, which was in alleged violation of Petitioner's EA SP. See Exhibit R-4. The Agency is reminded that non-compliance with a work activity, and sanctioning of WFNJ benefits, cannot be the basis of an EA service plan violation and consequent ineligibility for EA benefits, as it is an IRP violation. Furthermore, it should be noted that, even if the sanctioning of Petitioner's WFNJ/TANF benefits had been upheld in this instance, in accordance with applicable regulatory authority, Petitioner would have remained eligible for EA benefits until one month after her cash assistance would have been terminated and her WFNJ/TANF benefits case closed, meaning that the earliest Petitioner's EA benefits could be terminated, for non-compliance with a work activity, would have been May 1, 2020. See Exhibit R-1 at 21; see also N.J.A.C. 10:90-4.13(e), -6.1(c)(5). Based on the foregoing, I find that Petitioner continues to be eligible for EA benefits, and the Agency's denial of same is hereby reversed. See Exhibit R-4. As the denial of EA benefits was improper, I find that reapplication for EA benefits is unnecessary. Therefore, the Agency is directed to provide Petitioner with EA benefits, in a form to be determined by the Agency. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

MAR 16 2020

