



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 03522-23 C.J.

AGENCY DKT. NO. C069334002 (BERGEN COUNTY BD. OF SOC. 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 that he failed to comply with his mandatory work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 18, 2023, and a telephone conference was held on that day with the parties. On May 25, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 26, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was scheduled to attend a WFNJ mandatory work activity appointment on December 6, 2022. See Initial Decision at 2; see also Exhibits R-1, R-3. Petitioner admitted that he failed to attend that work activity appointment, and failed to contact the Department of Labor, or the Agency, regarding his failure to attend. See Initial Decision at 2-5. Petitioner also admitted that he never sought permission to absent from the scheduled work activity appointment. *Id.* at 3. On December 21, 2022, Petitioner was given notice by the Agency that, if he did not come into compliance with his work activity, his WFNJ/GA benefits would be sanctioned. See Initial Decision at 2, 4-5; see also Exhibit R-2. Petitioner failed to come into compliance, and consequently, the Agency closed his WFNJ/GA benefits case in January, 2023. See Initial Decision at 3, 6; see also Exhibit R-3, and N.J.A.C. 10:90-2.2(a)(2), -4.13(b). Petitioner then reapplied for WFNJ/GA benefits on February 15, 2023, but was denied said benefits for failure to apply for Unemployment Insurance Benefits ("UIB"), as required by regulatory authority. See Initial Decision at 2; see also Exhibits R-1, R-8, and N.J.A.C. 10:90-2.2(a)(3). Thereafter, Petitioner applied for, and was denied, UIB, and on March 21, 2023, again applied for WFNJ/GA benefits, at which time he was approved for receipt of said benefits. See Initial Decision at 3; see also Exhibits R-1, R-7. Based on the testimony and documentary evidence presented, the ALJ concluded that Petitioner failed to comply with his WFNJ mandatory work activity, and failed to apply for UIB, both without good cause, and accordingly, the ALJ also concluded that the Agency's sanctioning of Petitioner's WFNJ/GA benefits was proper and must be affirmed, and that the Agency's denial of WFNJ/GA benefits to Petitioner, until such time as he had applied for UIB, had been proper. See Initial



Decision at 3-6; see also Exhibit R-2, and N.J.A.C. 10:90-2.2(a)(3), -4.11(a), -4.13(b). Accordingly, the ALJ further concluded that Petitioner is not entitled to receive retroactive WFNJ/GA benefits from January 1, 2023, to March 21, 2023. See Initial Decision at 6; see Exhibit R-2. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

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

Officially approved final version. August 22, 2023

Natasha Johnson
Assistant Commissioner

