



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **00094-23 S.B.**

AGENCY DKT. NO. **C077589008 (GLOUCESTER COUNTY DIV. 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 he failed to attend a mandatory job training program on a timely basis. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 2, 2023, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties the opportunity to submit additional documentation. After receipt of same, the record then closed on February 17, 2023. On March 9, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

"WFNJ/GA single adults or couples without dependent children, unless temporarily deferred, shall be required to participate in one or more work activities for up to 30 hours per week." See N.J.A.C. 10:90-4.2(b)(1). Failure of the recipient to cooperate with, or participate in, work activities, without good cause, shall result in the sanctioning of, and the potential loss of, the recipient's cash assistance benefits. See N.J.A.C. 10:90-4.13(a), and N.J.A.C. 10:90-4.11.

Here, on November 16, 2022, the Agency sanctioned Petitioner's WFNJ/GA benefits contending that he twice failed to attend his mandatory job training as scheduled in October, 2022, determined that Petitioner was ineligible for WFNJ/GA benefits, and consequently, by notice dated November 16, 2022, suspended said benefits effective December 1, 2022. See Initial Decision at 3-4; see also Exhibits R-1 through R-6. However, at the hearing, Petitioner testified that he had good cause for his failure to attend his required work activity, and come into compliance with the sanction. See Initial Decision at 5; see also Exhibits P-2, P-3. More specifically, Petitioner testified that his compliance with the work activity was "hindered by the time constraints associated with the federal holiday at the end of November and



the postal service delivery schedule.” See Initial Decision at 5. Based on the testimony and evidence provided, the ALJ concluded that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner was not entitled to WFNJ/GA benefits for the month of December 2022, and that Petitioner had shown good cause for failure to timely comply with his work activity sanction. Id. at 4-5; see also N.J.A.C. 10:90-4.13(a), -4.11. Of note, the record reflects that Petitioner had come into compliance with his WFNJ/GA work requirement sanction as of December 30, 2022, and as such, his sanction was lifted and his WFNJ/GA benefits were restored on January 1, 2023. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency’s sanctioning of Petitioner’s WFNJ/GA benefits, and ineligibility determination for said benefits for the month of December, 2022, were improper, and must be reversed. Id. at 6; see also Exhibit R-1. I agree, and direct that the Agency issue Petitioner retroactive WFNJ/GA benefits for the month of December, 2022. See N.J.A.C. 10:90-9.16(c).

Accordingly, the Initial Decision is ADOPTED, and the Agency’s action is REVERSED, as outlined above.

Officially approved final version. May 11, 2023

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Natasha Johnson  
Assistant Commissioner

