



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 08257-18 A.H.

AGENCY DKT. NO. C028034011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that she refused to participate in the Supportive Assistance for Individuals and Families ("SAIF") Program, and terminated EA benefits because she was no longer a WFNJ/GA or Supplemental Security Income benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the Agency to submit additional documents, and then closed on July 23, 2018.

On August 13, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had received fifty-three months of WFNJ/GA benefits, approaching her 60-month lifetime limit of WFNJ/GA benefits, and was unemployed. See Initial Decision at 2. As such, the ALJ found that in accordance with N.J.A.C. 10:90-2.20(d), Petitioner was referred to SAIF and the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program, in order to continue receiving WFNJ/GA benefits. See Initial Decision at 2; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-2.20, -18. As a condition of SAI/BHI, Petitioner was required to provide a urine drug screen. See Initial Decision at 2. Appointments were scheduled for April 23 and April 25, 2018; however, Petitioner did not show up for either drug screen. See Initial Decision at 3-4; see also Exhibits R-4, R-8a, R-8b. Further, Petitioner did not attend a SAIF meeting, instead informing the SAIF program that she was working. See Initial Decision at 4; see also Exhibit R-2. The Agency asked for documentation concerning Petitioner's employment, and Petitioner provided pay stubs. See Initial Decision at 4; see also Exhibits R-7a through R-7c. Thereafter, on May 7, 2018, the Agency terminated Petitioner's WFNJ/GA benefits for "failure to cooperate with support assistance," and on May 8, 2018, terminated her EA benefits noting that Petitioner was ineligible since her WFNJ/GA benefits case was "now closed due to employment." See Initial Decision at 3; see also Exhibits R-1, R-5, and N.J.A.C. 10:90-2.20, -6.2. The ALJ found that while Petitioner had indeed been employed, the time of the drug screen appointments would have worked with her schedule, and that she had been advised multiple times of her obligation to complete the drug testing as a condition of SAI/BHI. See Initial Decision at 6-7. Further, the ALJ found that Petitioner had not provided evidence of good cause for missing the SAIF program meeting. Ibid. Based on the foregoing, the ALJ agreed with the Agency's action to terminate Petitioner's WFNJ/GA and EA benefits. See Initial Decision at 7; see also Exhibits R-1 and R-5, and N.J.A.C. 10:90-2.20, -6.2. I agree.

Exceptions to the Initial Decision were filed by Petitioner on July 19, 2018.



As the Director of the 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.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

SEP 13 2018

Natasha Johnson
Director

