



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 09276-18 B.B.

AGENCY DKT. NO. C028392017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits contending that she failed to comply with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Petitioner's fair hearing was originally scheduled for July 16, 2018. The matter was adjourned, and rescheduled, consecutively, for August 6, 2018, August 27, 2018, and September 17, 2018. Finally, on October 15, 2018, the case proceeded before the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), who held the plenary hearing, took testimony, and admitted documents. On November 2, 2018, the ALJ issued an Initial Decision, affirming 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that, in accordance with an SAI/BHI assessment, Petitioner was required to attend substance abuse treatment. See Initial Decision at 2-3; see also Exhibits R-1 at 7-10, R-2. Petitioner executed a WFNJ Individual Responsibility Plan ("IRP") wherein she agreed, among other things, to participate in the SAI/BHI program, as a WFNJ work activity requirement. See Initial Decision at 2; see also Exhibit R-1 at 5-6, and N.J.A.C. 10:90-4.8. However, Petitioner declined substance abuse treatment, contending that she did not have a drug problem. See Initial Decision at 3; see also Exhibits P-1, R-1 at 11. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had failed to attend the required treatment program in violation of her IRP, without good cause, and that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-4.1 (a) (1), 4.8, -4.13, -18.3, -18.4. I agree.

Additionally, the record reflects that, on July 12, 2018, prior to the originally scheduled hearing date, the Agency rescinded its adverse action relating to the reduction of Petitioner's SNAP benefits, and on that same date, Petitioner executed a "Withdrawal of Appeal and Fair Hearing Request" form withdrawing her appeal and request for a fair hearing on the SNAP issue. See Initial Decision at 2; see also Exhibit J-1. In light of the foregoing, I find that Petitioner's appeal regarding a reduction of SNAP benefits is now moot and therefore not addressed in this decision.

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



Officially approved final version.

DEC 21 2018

Natasha Johnson
Director

