



State of New Jersey

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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 14346-17 C.S.

AGENCY DKT. NO. C041759017 (SALEM 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. The Agency sanctioned Petitioner's WFNJ/TANF benefits contending that she failed to comply with her WFNJ work requirement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 13, 2017, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 4, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on September 14, 2017, the Agency sanctioned Petitioner's WFNJ/TANF benefits, with a reduction of her benefits amount, effective October 1, 2017, for failure to attend her required job search activity on September 5, 6, and 8, 2017. See Initial Decision at 1-2, 4; see also Exhibit R-1 at 1-4, 5-6, and 8. However, the ALJ found that Petitioner had good cause for those absences. See Initial Decision at 4. Specifically, the ALJ found that Petitioner had reasonable issues regarding her child's care at the assigned child care center, and that she had reported her concerns, and the need for another child care placement, to the Agency on September 1, 2017. *Id.* at 2-4; see also Exhibit R-2. Thereafter, on September 8, 2017, the Agency advised Petitioner that her new child care placement would start on September 11, 2017. See Initial Decision at 4. The record reflects, however, that the Agency only excused Petitioner from her work requirement on September 7, 2017, but not for September 5, 6, and 8, 2017. *Id.* at 3; see also Exhibit R-1 at 8. No explanation was provided by the Agency as to why only one day of that week was excused, and the ALJ found that there was no dispute that child care was unavailable during that time. See Initial Decision at 3, 4; see also Exhibit R-2. Based on the foregoing, the ALJ concluded that Petitioner had good cause for not attending her WFNJ work activity, and that the Agency's sanction was unwarranted. See Initial Decision at 4-5; see also N.J.A.C. 10:90-4.1(a), -4.11, and -4.13. Therefore, the ALJ reversed the Agency's October 1, 2017, imposition of a sanction on Petitioner's WFNJ/TANF benefits. See Initial Decision at 5; see also Exhibit R-1 at 1-4. I agree.

No Exceptions to the Initial Decision were received.

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.



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

Officially approved final version.

JAN 22 2018

Natasha Johnson
Director

