



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 16327-17 J.C.

AGENCY DKT. NO. C143167015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of his Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency sanctioned Petitioner's benefits for failing to comply with his WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2017, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On December 22, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, father to a special needs child, was not work-deferred by his WFNJ-5S (DEP) physician's report, which stated that although Petitioner's child needed care, Petitioner could work part-time while his son was in school. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-4.10(a)(10). As such, the Agency scheduled Petitioner for a work activity on August 22, 2017; however, Petitioner informed the Agency that he could not attend because the activity was scheduled for early morning, prior to the time Petitioner's special needs child leaves for school on the bus. See Initial Decision at 2-3; see also Exhibits R-2, R-6. Although Petitioner believed he was exempt from the activity, the Agency did not excuse Petitioner from the appointed work activity, and Petitioner failed to attend. See Initial Decision at 3-4. Further, prior to failing to attend the work activity, Petitioner did not follow up with the Agency to attempt to secure child care, because he believed the child care would not be appropriate given his child's special needs. *Id.* at 4. The Agency testified that had Petitioner called for child care services, and it was found that they could not accommodate Petitioner's child, Petitioner would have been deferred from the work activity. See Initial Decision at 4-5; see also Exhibit R-4. Therefore, on October 24, 2017, Petitioner was sent an adverse action notice by the Agency, notifying him that his WFNJ/TANF benefits would be sanctioned, effective December 1, 2017. See Initial Decision at 3; see also Exhibit R-1. Based on the foregoing, the ALJ affirmed the Agency's sanctioning of Petitioner's WFNJ/TANF benefits, effective December 2017, for failure to comply with WFNJ work requirements. See Initial Decision at 6; see also N.J.A.C. 10:90-4.1(a), -4.10(a)(10), -4.13. I agree.

No Exceptions to this Initial Decision were filed.

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 in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

Natasha Johnson

Director

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