



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Elizabeth Connolly  
*Acting Commissioner*

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 1270-15 T.S.

AGENCY DKT. NO. C408560 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's imposition of a sanction affecting Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, for her having failed to comply, without good cause, with her required work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's sanction action.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C. 10:90-1.1(b).

In order to maintain eligibility for receipt of WFNJ benefits, the recipient must cooperate with and participate in the WFNJ work activity requirements. If a WFNJ recipient fails to comply with their work activities without good cause, the recipient is subject to a progression of sanctions on their WFNJ benefits, including a reduction

in benefits, a suspension of benefits and ultimately, termination of benefits. See N.J.A.C. 10:90-4.13; see also N.J.A.C. 10:90-2.2(e)(requiring imposition of sanction pursuant to N.J.A.C. 10:90-4.13 when WFNJ recipient fails to participate in work activities without good cause).

Following loss of cash assistance due to noncompliance with work activities, the individual must re-apply for WFNJ benefits, satisfactorily complete sanction obligations and comply with work activities in order to be eligible for WFNJ/TANF cash assistance. See N.J.A.C. 10:90-2.2(e).

Here, Petitioner was assigned, on September 15, 2014, to attend a class, to begin on October 6, 2014, and end on November 30, 2014, as part of her WFNJ/TANF work activity. See Initial Decision 2; see also Exhibit R-1 at 3. Petitioner attended the class twice and had six un-excused absences and was thereby terminated from the class on October 16, 2014. See Initial Decision at 2.

Petitioner was sanctioned, as a result of her termination from the class, by the Agency for failure to comply with the WFNJ work activity on December 2, 2014. See Exhibit R-1 at 5. Petitioner's monthly cash benefit for her and her child in the amount of \$322. See Initial Decision at 2. The Agency, in implementing the sanction, erroneously reduced Petitioner's cash benefit for January 2015 to zero. Ibid. The ALJ noted that the Agency conceded at the hearing in the matter that the sanction-reduction for January 2015 should have been half the amount of Petitioner's \$322 monthly benefit. Ibid. The sanction, being progressive in nature, was to proceed in the order such that Petitioner's January 2015 benefit should have been reduced to \$161; then a suspension for February 2015; and lastly the closure of her case as of March 2015. See Initial Decision at 2; see also Exhibit R-1 at 6.

Petitioner asserted that she did not attend her work activity because she was working from home for an employer. See Initial Decision at 2; see also Exhibit at R-1 at 7. However, the ALJ determined that there was no evidence presented by Petitioner that established that she was working on the days of the un-excused absences from her WFNJ work activity. See Initial Decision at 2. The ALJ therefore concluded that no good cause was shown for her failure to participate in the WFNJ work activity. See Initial Decision at 3; See also N.J.A.C. 10:90-4.11(a) (providing a non-exhaustive list of circumstances where good cause shall be found). The ALJ concluded, that Petitioner failed to comply with her WFNJ work activity, without good cause, and the Agency appropriately sanctioned her. See Initial Decision at 2. I agree.

Therefore, I find that Petitioner remains ineligible for WFNJ/TANF cash assistance until she re-applies for WFNJ benefits, satisfactorily completes her sanction obligations and complies with work activities. See N.J.A.C. 10:90-2.2(e); see also N.J.A.C. 10:90-2.2(a)(7)(requiring satisfaction of any sanction incurred).

By way of comment, as discussed above, the Agency advised the ALJ that it had erroneously reduced Petitioner's January 2015 cash benefit to zero. See Initial Decision at 2. The ALJ, to remedy the error, ordered that the Agency restore to Petitioner \$161 out of the \$322 it withheld as a sanction for January 2015. I concur with the ALJ's order. Thus, the Agency is hereby directed to restore the \$161 cash benefit to Petitioner for the month of January 2015, representing one half of Petitioner's monthly WFNJ/TANF benefits.

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

**APR 24 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director