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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 2738-17 V.S.

AGENCY DKT. NO. C453804007 (ESSEX COUNTY DIVISION OF WELFARE)

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 WFNJ/TANF benefits contending that that he failed to comply with his mandatory work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2017, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 25, 2017, 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.

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-2.2(a)(2). If a WFNJ recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Here, the record reflects that Petitioner was scheduled to attend a WFNJ work program from November 14, 2016, through March 3, 2017. See Initial Decision at 2; see also Exhibits P-1 and P-6. However, Petitioner had unexcused absences from that work activity on November 14, 15, 22, 23, 24, 26, 27, 28, 29, 30, and 31, 2016. See Initial Decision at 2; see also Exhibits P-2 and P-3. On December 2, 2016, Petitioner was given notice that, if he did not come into compliance with his work activity, his WFNJ/TANF benefits would be sanctioned. See Initial Decision at 2; see also Exhibit R-1. Petitioner failed to come into compliance, and consequently, the Agency reduced his WFNJ/TANF benefits in January 2017, and suspended his WFNJ/TANF benefits in February 2017. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-2.2(a)(2), -4.13(b). Based on the foregoing, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must be affirmed. See Initial Decision at 3-4. I agree. Of note, Petitioner has since provided the Agency with a MED-1 form indicating a 12-month disability which was approved by the Agency, and it therefore appears that the WFNJ/TANF sanction was lifted on March 16, 2017. See Initial Decision at 3; see also Exhibits R-2 and R-3.



By way of comment, the transmittal in this matter indicates a contested issue regarding a denial of SNAP benefits on recertification due to a failure to provide information. However, since that issue was not addressed in the Initial Decision, it has not been addressed in this Final Agency Decision. Therefore, if Petitioner still has an issue regarding a denial of SNAP benefits, he may request another hearing on that issue alone.

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

Officially approved final version.



Nalasha Johnson
Director

