



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 05667-18 H.B.

AGENCY DKT. NO. C171710007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's sanctioning of her Work First New Jersey/General Assistance ("WFNJ/GA"), and the termination of her Emergency Assistance ("EA"), benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits, and terminated her EA benefits, contending that she failed to comply with her Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI"), requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on that day, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, after having complied with treatment and reporting, Petitioner failed to report to a mandatory BHI follow-up meeting on April 10, 2018. See Initial Decision at 2; see also Exhibit R-3. Petitioner, who ambulates with a walker, testified that she was unable to attend the meeting due to her disability, and that she had tried to contact her case worker to inform her of such. See Initial Decision at 2; see also Exhibits R-2, R-3, R-4. On March 1, 2018, the Agency advised Petitioner that her cash benefits would be sanctioned for non-compliance with the SAI/BHI requirements. See Initial Decision at 2; see also Exhibit R-1 and N.J.A.C. 10:90-4.13. The ALJ found that the Agency had failed to take into consideration any barriers Petitioner may have had that prevented her from complying with said SAI/BHI requirements, and that Petitioner had shown good cause for not attending the meeting. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-4.11. Therefore, the ALJ concluded that the Agency had improperly sanctioned Petitioner's WFNJ/GA benefits, and improperly terminated Petitioner's EA benefits. See Initial Decision at 3. As such, the ALJ ordered the Agency to rescind the sanctioning of Petitioner's WFNJ/GA benefits, and to provide Petitioner with EA benefits. See Initial Decision at 3. 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.

By way of comment, the transmittal in this matter reflects an additional contested issue concerning a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a reduction of SNAP benefits, Petitioner may request another fair hearing on that issue alone.



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

Officially approved final version.

*MAY 01 2018*

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Natasha Johnson  
Director

