



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 8363-14 A.R.

AGENCY DKT. NO. GA488980 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's imposition of a sanction affecting Work First New Jersey/General Assistance ("WFNJ/GA") cash benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 28, 2014, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On July 30, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

The Agency sanctioned WFNJ/GA cash assistance after Petitioner allegedly failed to appear for scheduled Tests of Adult Basic Education ("TABE") in May 2014. Petitioner contends she unsuccessfully attempted to reschedule the TABE and ultimately took them a month later. The ALJ found sufficient, credible and uncontradicted evidence Petitioner made repeated, good-faith and unsuccessful efforts to reschedule the May TABE, and accordingly directed the Agency to rescind the sanction.

The purpose of the WFNJ program is to "uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than to receive welfare." N.J.A.C. 10:90-1.1(a). Failure to actively cooperate with or participate in the WFNJ work activity requirements, without good cause, shall be considered non-compliance and shall result in the loss of cash assistance benefits in accordance with N.J.A.C. 10:90-4.13. N.J.A.C. 10:90-4.1(d).

Petitioner had good cause for not appearing for the TABE in May 2014, and made reasonable, good-faith efforts to reschedule the activity. Based upon credible, uncontradicted evidence, the ALJ appropriately directed the Agency to rescind the sanction of WFNJ/GA cash benefits.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

AUG 29 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director