



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 3339-15 C.F.

AGENCY DKT. NO. C028913 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's sanctioning of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a Food Stamp Program, benefits. The Agency sanctioned Petitioner's WFNJ/TANF and SNAP benefits due to non-compliance with her work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 16, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On April 27, 2015, the ALJ issued an Initial Decision reversing the Agency's sanctioning of Petitioner's WFNJ/TANF benefits and affirming the sanctioning of Petitioner's SNAP benefits.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I REJECT the ALJ's Initial Decision in part, ADOPT the Initial Decision in part, and AFFIRM the Agency's determination, as discussed below.

WFNJ applicants and recipients must cooperate with WFNJ work requirements as a condition of eligibility. N.J.A.C. 10:90-2.2(a)(2). "Any applicant who fails at any time to cooperate with any of the WFNJ work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C. 10:90-4.13." N.J.A.C. 10:90-2.2(d). Likewise, an individual who has refused or failed to comply with WFNJ work requirements, without good cause, is treated as an ineligible household member of the SNAP assistance unit in accordance with N.J.A.C. 10:87-7.7. See N.J.A.C. 10:87-10.16(a).

The ALJ in this matter reversed the Agency's determination as to the sanctioning of Petitioner's WFNJ/TANF benefits, asserting that the Agency had not done sufficient outreach to Petitioner prior to sanctioning her. See Initial Decision at 4; see also N.J.A.C. 10:90-4.13(i)(1). As there is no corresponding pre-sanction outreach regulation applicable to SNAP benefits, the ALJ affirmed the sanctioning of Petitioner's SNAP benefits. Ibid.

Following an independent review of the record, I respectfully disagree with the ALJ's determination reversing the sanctioning of Petitioner's WFNJ/TANF benefits. Petitioner was to be assigned to a work activity through the Community Work Experience Program ("CWEP"). See Initial Decision at 2. The record shows that the CWEP Program Coordinator originally met with Petitioner on January 8, 2015. See Initial Decision at 2. Thereafter, the Program Coordinator made three attempts to reach Petitioner by telephone, between January 20 and January 23, 2015, to set up another appointment to assign Petitioner to her CWEP activity. See Exhibit R-1 at 19. The record further shows that Petitioner's caseworker also attempted to contact Petitioner by telephone on January 23, 2015. Ibid. The record then shows that the Agency sent Petitioner timely written notice on February 12, 2015, advising her of the forthcoming sanctions effective March 1, 2015. See Exhibit R-1 at 9-11. I find that these facts support that the Agency conducted sufficient pre-sanction outreach, pursuant to N.J.A.C. 10:90-4.13(i)(1), prior to effecting the sanction against Petitioner on March 1, 2015, and the Agency's sanctioning of Petitioner's WFNJ/TANF and SNAP benefits is affirmed.

By way of comment, the ALJ indicates in the Initial Decision that the transmitted contested issue pertaining to a purported termination of Petitioner's Emergency Assistance ("EA") benefits was not, in fact, an issue and dismissed it as moot. See Initial Decision at 2. As such, I make no finding on same.

Accordingly, the Initial Decision is REJECTED in part, as to the sanctioning of Petitioner's WFNJ/TANF benefits, and ADOPTED in part, as to the sanctioning of Petitioner's SNAP benefits. The Agency's actions are hereby AFFIRMED.

Signed Copy on File

at DFD, BARA

MAY 22 2015

Natasha Johnson
Director