



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 3471-15 M.H.

AGENCY DKT. NO. C074047 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's imposition of a sanction affecting Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, termination of WFNJ/TANF, and by extension, Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 18, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On March 23, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

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 record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision and the Agency determination.

Petitioner is in all instances the primary source of information about herself and her family. N.J.A.C. 10:90-1.6(a). Petitioner has a continuing obligation to provide accurate and timely information to the Agency about changes in income, resources, or other circumstances which may affect the amount of the WFNJ benefit grant. N.J.A.C. 10:90-1.13(a). Petitioner must notify the Agency of any change in circumstances as soon as possible but no later than 10 calendar days after the change takes place. Ibid. Any WFNJ applicant or recipient who "fails at any time to

cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all of the assistance unit members ineligible for WFNJ benefits. N.J.A.C. 10:90-2.2(d).

Petitioner generally disputes the amount of her child support income, but not her failure to timely report the documented receipt of specific income in amounts greater than the maximum allowable level since October 2014. N.J.A.C. 10:90-3.3(a); Initial Decision at 2-3, 5-8; Exhibits R-4, R-5. I note that Petitioner's documented child support payments through February 2015 average more than \$1,400.00. Exhibit R-5. Based upon the foregoing, I find that the Agency appropriately terminated WFNJ/TANF benefits because Petitioner did not timely and adequately report sustained and material changes in income which made her ineligible for assistance under the WFNJ program. N.J.A.C. 10:90-2.2(d); -3.3(b). Likewise, the Agency also appropriately terminated EA benefits because Petitioner was no longer eligible for WFNJ/TANF benefits. N.J.A.C. 10:90-6.2(a). Moreover, there is no suggestion the assistance unit is imminently homeless, and the lease agreement in any event terminates in mid-May 2015. Exhibits P-1.

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 sanctions provisions at N.J.A.C. 10:90-4.13." N.J.A.C. 10:90-2.2(d).

The Agency, in relevant part, imposed a sanction affecting WFNJ/TANF benefits because Petitioner failed to comply with notices mailed to her former address and was absent from work activities. Initial Decision at 2, 5-6; Exhibits P-1, R-2, R-3. Although the Agency has since lifted the sanction, I find that Petitioner had good cause for non-compliance with notices mailed to an incorrect address and that the Agency failed to substantiate Petitioner was otherwise non-compliant with WFNJ work activities. N.J.A.C. 10:90-2.2(d). See generally N.J.A.C. 10:90-9.5(a)(4); -9.12; 1:1-15.8(c). Based upon the foregoing, I direct the Agency to rescind the sanction.

I modify the Initial Decision to the extent it addresses neither Petitioner's failure to timely notify the Agency of material changed circumstances, nor the merit of the Agency's sanction determination.

Finally, I note that the transmittal in this matter indicates an issue pertaining to a sanctioning of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. However, this issue is not addressed in the ALJ's Initial Decision and it is unclear if it remains an issue. If this is still a contested issue, Petitioner is without prejudice to request a fair hearing on the SNAP benefits issue alone.

In summary, I direct the Agency to rescind the sanction but find that it appropriately terminated WFNJ/TANF and EA benefits. Petitioner may immediately reapply for WFNJ/TANF and EA benefits, without prejudice, subject to applicable eligibility criteria.

Accordingly, the Initial Decision and the Agency determination are MODIFIED.

APR 14 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director