



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 3212-15 S.C.

AGENCY DKT. NO. C102186 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's sanction and subsequent termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for failure to comply with the work requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 24, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 30, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's actions.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.A.C. 10:90-1.1. WFNJ/TANF is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C.10:90-1.1(a). In order to maintain eligibility for receipt of WFNJ/TANF benefits, the recipient must cooperate with and participate in WFNJ/TANF work activity requirements. See N.J.A.C. 10:90-4.1(a).

If a WFNJ/TANF recipient fails to comply with their work activities without good cause, the recipient is subject to a progression of sanctions on their WFNJ/TANF benefits, including a reduction in benefits, a suspension of benefits, and ultimately a termination of benefits. See N.J.A.C. 10:90-4.13; see also N.J.A.C. 10:90-2.2(e)(requiring imposition of sanction pursuant to N.J.A.C. 10:90-4.13 when WFNJ/TANF recipient fails to participate in work activities without good cause). Following a loss of cash assistance due to non-compliance with work activities, the individual must reapply for WFNJ/TANF benefits, satisfactorily complete sanction obligations, and comply with work activities in order to be eligible for WFNJ/TANF cash assistance. See N.J.A.C. 10:90-2.2(e).

The record indicates that Petitioner's assistance unit consists of Petitioner and four children under the age of eight years old. See Initial Decision at 2. On October 27, 2014, Petitioner visited the Agency and signed an Individual Responsibility Plan ("IRP") for the continuation of her WFNJ/TANF benefits at \$552.00 per month. *Ibid.*; see also Exhibit R-1. The IRP required Petitioner's attendance five days per week, seven hours per day for 16 weeks, at a work activity beginning November 10, 2014. *Ibid.*; see also Exhibit R-2.

The ALJ noted that the federal guidelines regarding the WFNJ work activity requirement only allow for 12 missed days per year, or two per month. See Initial Decision at 2. In striking contrast, Petitioner's attendance at her work activity was woefully inadequate. See Initial Decision at 3. During the first week, Petitioner attended only 8.5 hours of the required 35 hours; during the second week, she attended 18 of the 35 required hours; and during the third week, she attended only two of the five days and brought her children with her both days, claiming lack of child care. *Ibid.* Petitioner's consistent absences were unexcused and when she did attend, she was always late. *Ibid.* Petitioner's actions resulted in a written warning issued to her on November 17, 2014, as well as a termination on November 25, 2014 from the work program because of her failure to timely attend the work activity and to explain her absences. See Initial Decision at 3; see also Exhibits R-8, R-3 and R-4.

Consequently, on December 3, 2014, the Agency issued a sanction to Petitioner, and on December 4, 2014, the Agency mailed a Notice to Petitioner explaining the way the sanction affected her WFNJ/TANF cash assistance. See Initial Decision at 4; see also Exhibits R-6 and R-7. The Notice advised Petitioner that unless she contacted her case worker and complied with her work activity within ten days, her WFNJ/TANF assistance would be reduced for one month from \$552 to \$442.00 effective January 1, 2015. See Initial Decision at 4; see also Exhibit R-7. The Notice also advised that Petitioner's WFNJ/TANF benefits would be suspended for February 1, 2015, and would be terminated for March 1, 2015 if she did not bring her work activity requirement into compliance. *Ibid.*; see also N.J.A.C. 10:90-4.13(b).

At the hearing, Petitioner testified that she is now willing to comply with her work requirement. See Initial Decision at 4. Petitioner was still non-compliant, however, at the time of the hearing. Ibid.

Based on the above, the ALJ found that Petitioner's actions were not sufficient to provide good cause for her tardiness and consistent failure to attend her required work activity. See Initial Decision at 4. Therefore, the ALJ concluded that the Agency properly terminated Petitioner from the work program, and correctly reduced Petitioner's WFNJ/TANF benefits and then closed Petitioner's file. Ibid. The ALJ further noted that Petitioner may promptly reapply for WFNJ/TANF benefits and come into compliance with the required work activity. Ibid.

The ALJ affirmed the Agency's termination of Petitioner's WFNJ/TANF benefits and dismissed Petitioner's appeal. See Initial Decision at 4-5. I concur with the ALJ's finding that Petitioner failed to comply with her WFNJ work activity, without good cause; that Petitioner incurred a sanction which she did not attempt to cure; and that because of same, the Agency properly terminated Petitioner's WFNJ/TANF benefits. Ibid.

Therefore, Petitioner must re-apply for WFNJ/TANF benefits, satisfactorily complete her sanction obligations, and comply with her work activities in order to qualify for additional WFNJ/TANF cash assistance. See N.J.A.C. 10:90-2.2(e).

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

Signed Copy on File

at DFD, BARA

Natasha Johnson

Director

MAY 26 2015