



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 7304-15 S.W.

AGENCY DKT. NO. C247339 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's ("Agency") termination and imposition of sanctions with regard to her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits; Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits; Emergency Assistance ("EA") benefits; and, Medicaid coverage. The Agency terminated Petitioner's benefits and sanctioned Petitioner's WFNJ/TANF benefits on two separate occasions. In the first instance, the Agency issued a sanction to Petitioner for her failure to appear for the scheduled March 5, 2015, and April 2, 2015, Test of Adult Basic Education ("TABE"). In the second instance, the Agency issued a sanction for Petitioner's failure to participate in a Community Work Experience Program ("CWEP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ") commenced the case on June 16, 2015, with a review of the documents and clarification of the issues, and on July 27, 2015, the ALJ held a plenary hearing, took testimony, and admitted documents. However, the case continued on August 13, 2015, and August 28, 2015, when Petitioner requested additional time to submit documents referenced in her arguments. On September 4, 2015, the Agency requested additional time to review Petitioner's documents, ultimately resulting in the Agency forwarding a letter to the ALJ on September 16, 2015, indicating the Agency did not challenge Petitioner's documents. On October 14, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE 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. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C. 10:90-1.1(b).

In order to maintain eligibility for receipt of WFNJ/TANF benefits, the recipient must cooperate with and participate in the WFNJ work activity requirements. If a 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. N.J.A.C. 10:90-4.13; 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 recipient fails to participate in work activities without good cause). Before a sanction can be imposed, the Agency must "determine whether good cause for noncompliance exists" N.J.A.C. 10:90-4.13(h).

Good cause for absence from a particular WFNJ activity, in relevant part, includes illness of the participant, unsafe work conditions, or for circumstances requiring the participant's immediate attention. N.J.A.C. 10:90-4.11(a) and (b)(2)(i). The participant must also notify the appropriate person at the work activity of the need for absence from a particular day or provide appropriate documentation. N.J.A.C. 10:90-4.11(b)(2).

The record establishes Petitioner was initially sanctioned, effective May 1, 2015, for failure to appear at her scheduled TABE appointments. See Initial Decision at 2. The Agency testified this sanction was issued in error in light of the fact that the Agency was aware Petitioner was excused for jury duty, and requested an alternative TABE date. *Ibid.* Indeed, the Agency acknowledged this first sanction was mistakenly issued especially since the Agency approved Petitioner for WFNJ/TANF, SNAP, and Medicaid benefits in April 2015. See *id.* at 3. In June 2015, the Agency further approved Petitioner for EA benefits and a furniture voucher. *Ibid.* As such, that sanction must be rescinded.

The second sanction, effective September 1, 2015, was issued as a result of Petitioner failing to appear for a second CWEP assignment. See *id.* at 5. Notably, the Initial Decision, as well as the testimony presented to the ALJ, reference a July CWEP work activity, however, there is nothing in the record to support this fact. *Ibid.*

Instead, the only documents in the record refer to Petitioner's June CWEP assignments. See Exhibit P-9. The notice regarding a July 13, 2015, CWEP assignment is addressed to Petitioner's husband. See Exhibit J-4. Irrespective of the date regarding Petitioner's second CWEP assignment, Petitioner contends she did not receive notice of this assignment. See Initial Decision at 7. The record is void of that notice and the Agency did not dispute Petitioner's claim she was not properly notified of this CWEP assignment. Ibid.

As the Agency failed to provide Petitioner with notice of her CWEP assignment as required, the ALJ found, and I agree, that the Agency improperly sanctioned Petitioner. See id. at 10.

By way of comment, the Initial Decision in this matter indicates that the issue regarding Petitioner's EA benefits was resolved, see id. at 4, and therefore is not addressed in this decision.

By way of further comment, the Initial Decision also indicates Petitioner's Medicaid issue was also resolved. Ibid. I note that the Medicaid Program is not under the jurisdiction of this Division, but rather the Division of Medical Assistance and Health Services ("DMAHS").

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

Signed Copy on File
at DFD, BARA

NOV 16 2015

Natasha Johnson
Director