



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 16784-15 J.A.

AGENCY DKT. NO. C073447 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits as a result of a sanction against her for non-compliance with her mandatory work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 18, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

In his Initial Decision, the ALJ found that Petitioner failed to attend her required WFNJ work activity, despite being advised several times by the Agency that her attendance was mandatory, and despite the Agency's offer of transportation and arrangement for child care in connection therewith. See Initial Decision at 2; see also Exhibits R-1 through R-4. On July 30, 2015, Petitioner advised the Agency that she was seeking medical assistance in order to have her work activity requirement waived. See Initial Decision at 2; see also Exhibits R-5 and R-8. Petitioner did not appear at her August 3, 2015, work activity, nor did she appear at any time thereafter. See Initial Decision at 2; see also Exhibits R-6 and R-7. As a result, on August 11, 2015, the Agency assessed a sanction against Petitioner's WFNJ/TANF benefits effective September 1, 2015. See Initial Decision at 2-3; see also Exhibit

R-6. Petitioner then provided a Med-1 form dated September 22, 2015, reflecting that her inability to work would last for less than six months. See Initial Decision at 2-3; see also Exhibit R-11. The Med-1 was determined to be insufficient to excuse Petitioner from her work activity, and the Agency required Petitioner to be evaluated pursuant to the Substance Abuse Initiative ("SAI"), which deemed Petitioner "fit for work" on October 14, 2015. See Initial Decision at 3; see also Exhibit R-12 and R-13. In addition, the ALJ found that doctors' notes provided by Petitioner dated November 11, 2015, and November 30, 2015, were "insufficient to provide this tribunal with sufficient medical evidence which warrant excusing [Petitioner's] attendance at WFNJ activities." See Initial Decision at 3; see also Exhibits P-1 and P-2. Based on the foregoing, the ALJ concluded that Petitioner did not prove good cause for failing to cooperate with her mandatory work requirement and, therefore, that the Agency's sanction and termination of Petitioner's WFNJ/TANF benefits were proper and should be affirmed.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

JAN 20 2016

Natasha Johnson
Director