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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 01474-18 A.A.

AGENCY DKT. NO. C407019016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that she failed to comply with her EA service plan ("SP") due to non-compliance with her WFNJ work activity, and by failing to report Supplemental Security Income ("SSI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 22, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner executed three SPs wherein she agreed, among other things, to comply with her WFNJ work activity and to report SSI benefits income. See Initial Decision at 3; see also Exhibits R-4, R-5A, and R-8. The ALJ found that the Agency had failed to provide any proof to substantiate its claim that Petitioner had failed to comply with her WFNJ work activity, and as such, the ALJ concluded that the Agency's denial of EA benefits to Petitioner for failing to comply with her SP, on that basis, was improper. See Initial Decision at 6; see also Exhibit R-9, and N.J.A.C. 10:90-6.6(a). I agree. Moreover, pursuant to N.J.A.C. 10:90-6.1(c)(4), "[a]n adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status."

However, the ALJ found that, since January 2017, Petitioner had failed to notify the Agency that the household was receiving SSI benefits, as required by her various SPs. See Initial Decision at 3; see also Exhibits R-4, R-5A, and R-8. Further, the ALJ did not find Petitioner's testimony credible when she claimed that she did not understand the terms of her SPs due to a language barrier, and that she did not know that she had to report the household's receipt of SSI benefits.

See Initial Decision at 3-5. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, and that the Agency's denial of EA benefits was proper and must stand. *Id.* at 5-6; see also Exhibit R-9, and N.J.A.C. 10:90-6.6(a). I also agree.

Additionally, I find that the transmittal in this matter does not indicate that Petitioner appealed a WFNJ/TANF benefits sanction due to a failure to comply with her WFNJ work activity requirement, and I find that the record is devoid of any documents pertaining to that issue. Nevertheless, the ALJ concluded that the Agency was precluded from sanctioning



Petitioner for a violation of her WFNJ work requirements, on the basis that it had failed to prove such a violation, for purposes of the SP violation issue. See Initial Decision at 6. I respectfully disagree. Rather, based on an independent review of the record, I find that a WFNJ/TANF sanction was not a transmitted contested issue, that no substantiating documents were provided at the hearing because said sanction was not at issue, and as such, that the parties were unprepared to address that issue. See Exhibit R-9. However, if Petitioner still has an issue regarding a sanction of WFNJ/TANF benefits, she may request another hearing on that issue alone. The Initial Decision is modified to reflect this finding.

By way of comment, because I agree with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning January 3, 2018, the date of the Agency's denial, through July 2, 2018. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

APR 09 2018

Natasha Johnson
Director

