



State of New Jersey

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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 00386-18 A.F.

AGENCY DKT. NO. C107889011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that she failed to comply with WFNJ work requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 6, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 27, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been previously sanctioned twice for failing to comply with WFNJ work requirements. See Initial Decision at 2. On October 31, 2017, after Petitioner's latest sanction, she had indicated her desire to comply with WFNJ work requirements so that the sanction may be lifted. Id. at 3; see also Exhibit R-11. To this end, on November 13, 2017, as a condition of continued eligibility for WFNJ benefits, Petitioner signed an Individual Responsibility Plan ("IRP") wherein she agreed, among other things, to participate in a work activity assignment and a multi-week community work experience program ("CWEP"). See Initial Decision at 3 n.4; see also Exhibit R-12, and N.J.A.C. 10:90-2.2(c). Specifically, Petitioner agreed to participate in CWEP for 35 hours per week, beginning November 27, 2017. See Initial Decision at 3; see also Exhibits R-13. For the week of December 3, 2017, Petitioner completed only 22 of the 35 required work hours; for the week of December 11, 2017, Petitioner completed only 18 of the 35 required work hours. See Initial Decision at 3; see also Exhibit R-15. Petitioner was warned about her unsatisfactory attendance. See Initial Decision at 3. Petitioner testified that she missed several work hours due to medical issues involving her children, and provided documents confirming her children's medical appointments. See Initial Decision at 5; see also Exhibits P-1, P-2, P-3, P-4, and P-7. On December 21, 2017, Petitioner was terminated from CWEP for poor attendance. See Initial Decision at 3; see also Exhibit R-16. Beginning November 25, 2017, through December 21, 2017, Petitioner missed a total of 58.5 work hours. See Initial Decision at 4; see also Exhibits R-17 through R-20. The ALJ found that Petitioner had good cause for missing 21 hours of work activity due to family medical needs. See Initial Decision at 5. However, with regard to the remaining 37.5 hours of missed work activity, the ALJ found that Petitioner did not offer any rationale, which would constitute good cause, or provide any proof to explain her absences. See Initial Decision at 6; see also N.J.A.C. 10:90-4.11(b)(2)(i). Therefore, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-1 and N.J.A.C. 10:90-4.13(b). I agree.

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 ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

APR 04 2018

Natasha Johnson

Director

