



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 06197-18 A.H.

AGENCY DKT. NO. C087918008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's sanctioning of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits because she failed to comply with her required WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 18, 2018, but was adjourned at the request of the Agency representative. The matter was then rescheduled for June 8, 2018, but again adjourned at the request of Petitioner's counsel. The next rescheduled date of July 13, 2018, was again adjourned by consent of the parties for an examination of records. Finally, on July 27, 2018, the Honorable Kathleen Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's action.

Exceptions to the Initial Decision were filed by Petitioner on September 13, 2018.

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.

In order to maintain eligibility for receipt of WFNJ benefits, the recipient must cooperate with and participate in the WFNJ work activity requirements. See N.J.A.C. 10:90-4.1(a). If a WFNJ benefits recipient fails to comply with their work activity without good cause, the recipient is subject to a progression of sanctions on their WFNJ 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 the imposition of a sanction pursuant to N.J.A.C. 10:90-4.13 when WFNJ recipient fails to participate in work activities without "good cause").



Here, the record indicates that Petitioner failed to comply with her required WFNJ work activity on April 2, and April 3, 2018. See Initial Decision at 1-2; see also Exhibits R-1 at 14, R-8, R-9. As a result, by notice dated April 4, 2018, the Agency sanctioned Petitioner's WFNJ/TANF benefits effective May 1, 2018. See Initial Decision at 2-3; see also Exhibits R-1 at 14, R-8, R-9. Petitioner stated that she did not attend her scheduled work activity because she did not have child care services. See Initial Decision at 3. However, the record reflects that the Agency provided Petitioner with a referral for child care, and that the child care facility contacted her. See Initial Decision at 5; see also Exhibits R-3, R-4. While Petitioner attempted to call the Agency to discuss child care, she did not do so until April 3, after her scheduled work activity. See Initial Decision at 5; see also Exhibit R-2. It was not until April 20, 2018, more than ten days after the Agency's notice of sanction, that Petitioner met with the Agency and subsequently scheduled child care. See Initial Decision at 5; see also Exhibit R-1 at 14. Thereafter, Petitioner's sanction was lifted effective July 1, 2018. See Initial Decision at 5. The ALJ found that there was no evidence presented that child care was not available for Petitioner's scheduled work activity dates of April 2, and April 3, 2018, and that Petitioner did not show good cause for her failure to participate in her WFNJ work activity on those dates. *Id.* at 5-7. Based on the foregoing the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must stand. *Id.* at 7; see also Exhibit R-1 at 14, and N.J.A.C. 10:90-4.11(a)(3), (b). I agree.

By way of comment, I have reviewed Petitioner's Exceptions and find that they do not alter my decision in this matter. Petitioner is advised that evidence which was not presented at the hearing before the ALJ shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

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

Officially approved final version.

SEP 27 2018

Natasha Johnson
Director

