



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 00755-18 A.W.

AGENCY DKT. NO. C285440007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the sanctioning of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner EA benefits because she failed to submit documents in a timely fashion, and sanctioned Petitioner's WFNJ/TANF benefits because she failed to comply with her work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 19, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On January 22, 2018, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits, and reversing the imposition of the sanction on Petitioner's WFNJ/TANF benefits. Here, Petitioner applied for EA benefits on December 5, 2017, after receiving a Section 8 housing voucher, and was told she had a 30-day window to provide documentation evidencing that she found an apartment that passed inspection. See Initial Decision at 1-2; see also Exhibits R-1, R-2, R-4. As admitted by Petitioner at the hearing, Petitioner did not submit the documentation in a timely manner and, therefore, the ALJ found that her application for EA benefits was properly denied by the Agency on January 10, 2018. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-1.2(f),(g), -2.2(a)(5). I agree.

As to the WFNJ/TANF benefits sanction, the Agency imposed the sanction claiming that Petitioner did not enroll in a work activity. See Initial Decision at 3; see also Exhibits R-5, R-6. The ALJ found, however, that Petitioner did not learn about the need to enroll in the activity until noticing the decrease in her WFNJ/TANF benefits in January 2018. See Initial Decision at 3. Petitioner is now enrolled in a work activity to begin in February 2018. Ibid.; see also Exhibit P-2. Based on the foregoing, the ALJ found that the Agency had not provided Petitioner with proper notice, informing her of the need to enroll in a work activity, or the subsequent reduction of her WFNJ/TANF benefits; as such, the ALJ reversed the Agency's imposition of the sanction on Petitioner's WFNJ/TANF benefits. See Initial Decision at 3, see also N.J.A.C. 10:90-1.6(f), -4.1(d),(e), -4.13, -9.1. I also agree.

No Exceptions to this Initial Decision were filed.

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 in part, and



REVERSED in part, as discussed above.

Officially approved final version.

JAN 30 2018

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Natasha Johnson

Director

