



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 12706-189 J.G.

AGENCY DKT. NO. C115321009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to comply with the required WFNJ 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 5, 2018, but was adjourned to September 13, 2018, to allow the Agency the opportunity to confirm Petitioner's work activity status. On that rescheduled hearing date, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 14, 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.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ application and a 30-day period of ineligibility. Ibid.

Here, Petitioner applied for WFNJ/GA benefits on August 3, 2018, and was required to complete a 28-day work activity in order to be approved for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-1.2(f)(8). In furtherance of that requirement, Petitioner was scheduled to attend a case management meeting on August 6, 2018, and to attend her work activity orientation meeting on either August 9 or August 14, 2018. See Initial Decision at 2-3; see also Exhibits P-5, R-1, and R-3. However, Petitioner failed to attend the aforementioned meetings, and as a result, the Agency denied Petitioner WFNJ/GA benefits and imposed a 30-day period of ineligibility for said



benefits. See Initial Decision at 2, 4; see also Exhibit R-2, and N.J.A.C. 10:90-1.2(f)(8). Petitioner proffered no reason for failing to attend the August 6, 2018, meeting, and admitted that she had knowledge of, but failed to attend, the August 9 and 14, 2018, meeting, because she was required to participate in a substance abuse program, which was in conflict with the Agency's work activity meetings. See Initial Decision at 3, 5; see also Exhibits P-6, P-7. It does not appear that Petitioner informed the Agency of these program conflicts.

The ALJ found that although Petitioner's failure to attend the August 9, 2018, work activity orientation meeting was grounded in an earnest belief that she had to first comply with her court-ordered substance abuse program, nevertheless, the fact that she failed to attend the required work activity appointment could not be overlooked. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. *Id.* at 4-5; see also Exhibit R-2. Additionally, the ALJ also concluded that because Petitioner's decision not to attend the August 9, 2018, meeting was erroneously made and was not due to her disregard for the work requirement, that no penalty for non-compliance should be imposed. See Initial Decision at 4-5. I agree. However, I find that because Petitioner is a WFNJ/GA benefits applicant, and was not a WFNJ/GA benefits recipient, that N.J.A.C. 10:90-1.2(f)(8) is the controlling, applicable regulatory authority for the Agency's denial of WFNJ/GA benefits, and the imposition of a 30-day ineligibility period, and not N.J.A.C. 10:90-2.2(e) as cited to by the Agency and the ALJ. See Initial Decision at 4; see also Exhibit R-2. N.J.A.C. 10:90-2.2(e) pertains to WFNJ/GA benefits recipients, not applicants, who have failed to comply with the required WFNJ work activity. The Initial Decision is modified to reflect this finding. Moreover, as more than 30 days has now passed since the Agency's denial on August 22, 2018, and as such, Petitioner may now reapply for WFNJ/GA benefits, if she has not already done so. See N.J.A.C. 10:90-1.2(f)(8).

The record also indicates that as a condition of her release from jail, Petitioner enrolled in an employment and training program on July 30, 2018, completed her orientation on August 3, 2018, and remains compliant with the program requirements. *Id.* at 2-3; see also Exhibits P-1, P-2. As such, the ALJ concluded that the Agency should consider Petitioner's participation in that program as satisfaction of the required WFNJ 28-day work activity when Petitioner reapplies for WFNJ/GA benefits. See Initial Decision at 5. I also agree.

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

SEP 25 2018

Officially approved final version.

Natasha Johnson
Director

