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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 15519-17 J.M.

AGENCY DKT. NO. C224715007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's reduction of, and sanctioning of, Work First New Jersey/General Assistance ("WFNJ/GA"), and the sanctioning of Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency reduced Petitioner's WFNJ/GA benefits from the unemployable rate of \$210 to the employable rate of \$140, contending that Petitioner was now employable; and sanctioned Petitioner's WFNJ/GA benefits contending that he failed to attend a pre-sanction comprehensive social assessment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. Petitioner's cases, under OAL Docket Numbers HPW 10655-17 and HPW 15519-17, respectively, were consolidated. On November 27, 2017, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 22, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the Agency failed to provide any testimony or evidence at the hearing to substantiate its alleged denial of Petitioner's MED-1 form, which resulted in its determination to reduce Petitioner's WFNJ/GA benefits rate from the unemployable rate of \$210 to the employable rate of \$140. See Initial Decision at 2-3; see also Exhibits P-1, R-1A, and N.J.A.C. 10:90-2.9(a)(2)(x), -3.6(a). Also, the Agency sanctioned Petitioner's WFNJ/GA benefits contending that he failed to attend his required Supportive Assistance to Individuals and Families Program ("SAIF") meetings, and pre-sanction assessment. See Initial Decision at 3; see also Exhibit R-2B, and N.J.A.C. 10:90-4.13. However, the ALJ found that the Agency failed to present proof to rebut Petitioner's testimony that he did attend certain SAIF meetings, and that he had good cause for failing to attend certain other SAIF meetings; and that he had attended the pre-sanction assessment. See Initial Decision at 3-5. Based on the evidence presented, the ALJ found Petitioner's MED-1 form valid, and that he had a Supplemental Security Income claim pending, and as such, that Petitioner is eligible for an exemption from the WFNJ/GA benefits lifetime limit. Id. at 4-5; see also Exhibits P-1, P-2, and N.J.A.C. 10:90-2.4(a)(3). Further, the ALJ concluded that the Agency's reduction of, and sanctioning of, Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 4-6; see also Exhibits R-1A, R-2B, and N.J.A.C. 10:90-2.9(a)(2)(x), -3.6(a), -4.13. 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.

By way of comment, the transmittal in this matter, under OAL Docket Number HPW-15519-17, indicates a contested issue regarding the sanctioning of Supplemental Nutrition Assistance Program ("SNAP") benefits, which was not addressed by



the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning the sanctioning of SNAP benefits, he may request another fair hearing on that issue alone.

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

Officially approved final version.

Natasha Johnson

Director

