



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 17144-18 C.B.

AGENCY DKT. NO. C082510012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency sanctioned Petitioner's WFNJ/TANF benefits, contending that he failed to comply with the mandatory WFNJ work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 8, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 17, 2019, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-4.1(d). If a WFNJ recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Here, the record reflects that Petitioner's WFNJ/TANF assistance unit ("AU") consists of himself, his wife, and their two dependent children. See Initial Decision at 2. On June 11, 2018, Petitioner was scheduled for a work activity appointment, but failed to appear, without explanation, resulting in a one-month pro-rata reduction of the AU's WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit A, and N.J.A.C. 10:90-4.13. Thereafter, Petitioner was given another opportunity to comply with the required work activity, the sanction was lifted, and he was then scheduled to attend a WFNJ work program from June 25, 2018, through July 20, 2018. See Initial Decision at 3; see also Exhibit



B. However, Petitioner again failed to appear at the work activity scheduled for June 25, 2018, without explanation, and the sanction was re-imposed. See Initial Decision at 3; see also Exhibit D. Petitioner contended that he should be deferred from the work activity because he was medically unable to work; however, the MED-1 form provided by his physician did not substantiate that claim. See Initial Decision at 3; see also Exhibits E through F, and N.J.A.C. 10:90-4.10(a)(2)(ii). As a result, Petitioner was denied a deferral from the required work activity and was again rescheduled for work activity on November 13, 2018, which he failed to attend, without explanation. See Initial Decision at 3-4; see also Exhibit E. Consequently, Petitioner's WFNJ/TANF benefits case was closed, he was removed from the AU, and the AU's WFNJ/TANF benefits were reduced to that of an AU of three. See Initial Decision at 4; see also N.J.A.C. 10:90-4.13(c)(1). Based on the foregoing, the ALJ concluded that the Agency's June 2018, sanctioning of, and consequent reduction of, Petitioner's WFNJ/TANF benefits was proper and must stand. Id. at 4-5; see also Exhibit A, and N.J.A.C. 10:90-2.2(a)(2), -4.1(a), -4.13(a), (b), (c). I agree.

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

Officially approved final version.

FEB 27 2019

Natasha Johnson
Director

