



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 02230-18 N.J.

AGENCY DKT. NO. C180811009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the 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 contending that she failed to cooperate with the 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 March 13, 2018, but was adjourned on request of the fair hearing liaison, who was unable to attend due to public transportation issues. Petitioner timely appeared at the hearing. The matter was rescheduled for April 3, 2018. On that date, no representative appeared from the Agency; however, the Honorable Joann LaSala Candido, Administrative Law Judge ("ALJ"), held an ex parte hearing, in accordance with N.J.A.C. 1:1-14.4(c), took testimony, and admitted documents. After the conclusion of the hearing, a representative of the Agency submitted a document with the permission of the ALJ.

On April 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was receiving WFNJ/TANF benefits, but was sanctioned in September 2017, and October 2017, due to unexcused absences from a work activity in August 2017. See Initial Decision at 2. Petitioner stated that she was unable to attend the work activity from August 3 through August 7, 2017, as per her physician, and presented a doctor's note. Ibid.; see also Exhibit P-1. Petitioner also presented an email confirmation of employment, with a start date of August 21, 2017, but did not provide paystubs to either the Agency or the ALJ. See Initial Decision at 2; see also Exhibits P-2, P-3. The Agency provided a history screen showing no earned income from September 2017, to April 2018. See Initial Decision at 2; see also Exhibit R-1. Based on the foregoing, the ALJ concluded that Petitioner did not comply with the work activity, and that the Agency properly sanctioned Petitioner's WFNJ/TANF cash assistance benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-4.13. 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 Agency is reminded of its responsibility in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).



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

Officially approved final version.

MAY 07 2018

Natasha Johnson
Director

