



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 05285-18 S.W.

AGENCY DKT. NO. C018929017 (SALEM COUNTY BOARD 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 she failed to comply with WFNJ program requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2018, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 18, 2018, the ALJ issued an Initial Decision, reversing 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 REVERSE the Agency's determination.

A WFNJ/TANF adult benefits recipient in a single parent family, unless deferred, is required to participate in one or more work activities for up to 40 hours per week, and to comply with all WFNJ program requirements, as set forth in the recipient's Individual Responsibility Plan ("IRP") See N.J.A.C. 10:90-2.2(d), -4.1(f), -4.2(b), -4.8. Failure of the recipient to cooperate with, or participate in, work activities, and/or WFNJ program requirements, without good cause, shall result in the sanctioning of, and the potential loss of, the recipient's cash assistance benefits. See N.J.A.C. 10:90-2.2(d), -4.11, -4.13(a). However, good cause for failure to participate in a work activity or WFNJ program requirement includes a situation where child care is needed and is not available. See N.J.A.C. 10:90-4.11(a)(3).

Here, the record reflects that Petitioner executed IRPs wherein she agreed, among other things, to participate in the Tests of Adult Basic Education ("TABE") test scheduled for December 12, 2017, and to attend all Agency appointments. See Initial Decision at 2, 6; see also Exhibits R-1, R-2, R-3, and N.J.A.C. 10:90-4.7, -4.8. However, Petitioner failed to attend the scheduled TABE test, and the December 19, 2017, case management appointment with the Agency, resulting in the sanctioning of her WFNJ/TANF benefits, effective January 1, 2018. See Initial Decision at 2, 6; see also Exhibit R-1,



and N.J.A.C. 10:90-2.2(d), -4.11, and -4.13. Prior to the effective date of the sanction, Petitioner was given an opportunity to comply with her WFNJ program activity, and the TABE test was rescheduled for December 27, 2017. See Initial Decision at 3; see also Exhibit R-4. Petitioner failed to attend that scheduled TABE test, and the sanction remained as imposed. See Initial Decision at 3; see also Exhibit R-1. Petitioner testified that at the time she had executed her IPRs, she had requested child care services needed to attend the WFNJ work activities and/or program requirements, however, she was informed by the Agency that child care was not available for purposes of taking the TABE test, and her request was not notated on her IRPs. See Initial Decision at 4-6; see also Exhibits R-1, R-3, and R-4. Consequently, Petitioner was unable to attend her scheduled appointments due to lack of child care. See Initial Decision at 4-5. The Agency representative testified that due to the passage of time she could not recall if Petitioner had requested child care or if she was informed that child care was unavailable to her. Id. at 4. The ALJ found Petitioner's testimony credible, and that she was either misinformed about the availability of child care, or improperly denied such child care. Id. at 6, 8-9; see also N.J.A.C. 10:90-4.10(c). Moreover, the ALJ found the Agency's testimony questionable. See Initial Decision at 6, 8-9. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with the WFNJ program requirements, and that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was, therefore, improper and must be reversed. See Initial Decision at 9; see also Exhibit R-1, and N.J.A.C. 10:90-4.11(a)(3). I agree.

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

Officially approved final version.

JUN 06 2018

Natasha Johnson

Director

