



*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  
*Assistant Commissioner*

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 13350-19 A.R.

AGENCY DKT. NO. C274721009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance for Needy Families ("SNAP") benefits. The Agency terminated Petitioner's EA benefits, contending that he failed to comply with shelter rules, and was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 8, 2019, but was adjourned at Petitioner's request. On October 17, 2019, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit additional evidence. No additional evidence was submitted by either party, and the record then closed on October 23, 2019.

On October 24, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the Agency had not provided adequate evidence to establish that Petitioner had been terminated from his first shelter placement due to threatening and/or disruptive behavior. See Initial Decision at 3-4, 6; see also Exhibit R-3. However, the ALJ found that Petitioner had engaged in threatening behavior at his second shelter placement, resulting in his termination from that shelter, and as such, concluded that the Agency's termination of Petitioner's EA benefits, on the basis that Petitioner violated shelter rules, was proper. See Initial Decision at 4-7; see also Exhibits R-1, R-4, and N.J.A.C. 10:90-6.3(c)(3). I agree. Based on the foregoing, the ALJ also imposed upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.3(c)(3). I also 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, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a termination of WFNJ/TANF and SNAP benefits. The record reflects that Petitioner's WFNJ/TANF benefits have been reinstated, and therefore, I find that Petitioner's WFNJ/TANF issue is now moot, and not addressed in this Final Agency Decision. See Initial Decision at 3; see also Exhibit R-5. However, Petitioner's SNAP issue was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of SNAP benefits, he may request another fair hearing on that issue alone.

Also, by way of comment, for clarification, a sanction is generally imposed for failure to comply with a Work First New Jersey ("WFNJ") work activity, and can be cured, and lifted, once a WFNJ benefits recipient comes into compliance. See N.J.A.C. 10:90-4.13. A penalty, or period of ineligibility, however, such as a six-month EA ineligibility penalty or other penalties imposed in the WFNJ regulations, cannot be cured. See N.J.A.C. 10:90-1.15 (imposing upon applicants for WFNJ benefits a 90-day period of ineligibility due to a voluntary cessation of employment), -4.14 (imposing upon WFNJ benefits recipients, a two-month period of ineligibility for voluntarily ceasing employment), -6.1(c)(3) (imposing a six-month period of ineligibility for EA benefits for various reasons), -6.3(c) (imposing a six-month period of ineligibility for EA benefits due to termination from housing placements, without good cause), -6.6(a) (imposing a six-month period of ineligibility for EA benefits for failure to comply with one's SP). The ALJ in this matter refers to an EA sanction, which is incorrect, as it is a EA penalty. See Initial Decision at 2, 6.

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

Officially approved final version.

OCT 30 2019

---

Natasha Johnson  
Assistant Commissioner

