



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 07848-19 M.C.

AGENCY DKT. NO. C087459008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's 30-day pro rata sanctioning of his 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 WFNJ program requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 12, 2019, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 26, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, as a requirement for receipt of WFNJ/TANF benefits, Petitioner was obligated to attend a benefits assessment interview where he was to complete an Individual Responsibility Plan ("IRP"). See Initial Decision at 2-3; see also Exhibit R-1 at 3-5. The record reflects that Petitioner had good cause for failing to attend two of the Agency scheduled interviews, but failed to attend the rescheduled third interview on May 9, 2019, without providing the Agency with any reason for such failure. See Initial Decision at 2-3. As a result, by adverse action notice dated May 9, 2019, the Agency advised Petitioner that his WFNJ/TANF benefits would be sanctioned, effective June 1, 2019, unless he complied with his WFNJ requirements within 10 days from the date of said notice. *Ibid.*; see also Exhibit R-1 at 9-11, and N.J.A.C. 10:90-4.13(b). Petitioner failed to come into compliance by June 1, 2019, and accordingly, the Agency imposed a 30-day WFNJ/TANF benefits sanction, thereby reducing the assistance unit's WFNJ/TANF benefits by Petitioner's pro rata share for the month of June. *Ibid.* Thereafter, on June 4, 2019, Petitioner went into the Agency, completed his IRP assessment, and the WFNJ/TANF benefits sanction was lifted, effective July 1, 2019. See Initial Decision at 2. However, Petitioner is seeking his pro rata share of WFNJ/TANF benefits retroactive to June 1, 2019, claiming that when he received the May 9, 2019, adverse action notice he requested a fair hearing, not realizing that he could contact the Agency to try to come into compliance with his WFNJ program requirement. *Id.* at 3. The ALJ found that Petitioner had failed to comply with his WFNJ program requirement, without good cause. *Ibid.* The ALJ further found that the May 9, 2019, adverse action notice had clearly advised Petitioner that a sanction would be imposed, effective June 1, 2019, reducing his WFNJ/TANF benefits if he did not contact his case manager and complete the IRP and benefits assessment within 10 days from the date of said notice. *Ibid.*; see also Exhibit R-1 at 11. Based on the



foregoing, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 11, and N.J.A.C. 10:90-4.13(b). 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.

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

Officially approved final version.

Natasha Johnson
Director

AUG 23 2019

