



## State of New Jersey

**PHILIP D. MURPHY**  
*Governor*

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF FAMILY DEVELOPMENT**

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**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 07441-19 N.T.

AGENCY DKT. NO. C033185002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning, and subsequent termination, of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency sanctioned, and subsequently terminated, Petitioner's WFNJ/TANF benefits, contending that she 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. A hearing was initially scheduled for June 18, 2019, but was adjourned at Petitioner's request so that she could obtain documents. On July 18, 2019, the Honorable Evelyn J. Marose, 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 documentation, and then closed on July 22, 2019.

On July 25, 2019, the ALJ issued an Initial Decision, affirming the Agency's sanctioning, and subsequent termination, of Petitioner's WFNJ/TANF benefits. In order to remain eligible for WFNJ/TANF benefits, Petitioner was required to participate in a mandatory WFNJ work activity. See Initial Decision at 4; see also N.J.A.C. 10:90-4.1(a)(2). Here, the ALJ found that after graduating college on December 17, 2018, Petitioner was assigned to a job activity. See Initial Decision at 2; see also Exhibit R-3. Petitioner attended the job activity on January 2, and 8, 2019, but did not attend anytime thereafter. See Initial Decision at 2; see also Exhibit R-10. As a result, Petitioner's WFNJ/TANF benefits were sanctioned, effective February 1, 2019, with Petitioner receiving pro rata WFNJ/TANF benefits in February 2019, and said benefits being suspended in March, 2019, and her case closing in April, 2019, for failing to come into compliance with the required work activity. See Initial Decision at 2; see also Exhibit R-2. Petitioner did not dispute her unexcused absences from the job activity. See Initial Decision at 2-3. Rather, Petitioner testified that her doctor had completed a MED-1 form, which may have deferred her from participating in the required work activity, that she had returned it to the Agency and the Agency had verbally advised her that the completed MED-1 form was in her file. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-4.10(a)(2). The Agency representative testified that it had not received a MED-1 form. See Initial Decision at 3. The Agency representative admitted that it received a document concerning Petitioner's medical appointments, but said document did not detail any appointment times or evidence her inability to comply with WFNJ work activity requirements. See Initial Decision at 3; see also Exhibits P-1 through P-4. Post-hearing, Petitioner submitted various documents, none of



which were a completed MED-1 form. See Initial Decision at 4-5; see also Exhibits P-8, P-9, P-11. Of note, the ALJ found that one of the post-hearing documents clearly indicated that Petitioner had falsely testified that two Agency workers had verbally advised her that a completed MED-1 form was in her case file. See Initial Decision at 4; see also Exhibit P-8. Based upon the testimonial and documentary evidence, the ALJ found that Petitioner had failed to comply with the mandatory WFNJ work activity, without good cause, and as such, the Agency's sanctioning, and subsequent termination, of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-4.1(a), (d), -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, Petitioner is advised that she may reapply for WFNJ/TANF benefits. See N.J.A.C. 10:90-4.13(b)(2). Petitioner is further advised that if she does reapply for WFNJ/TANF benefits and is found eligible to receive said benefits, she must comply with WFNJ work activity requirements. See N.J.A.C. 10:90-4.1(a)(2).

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

Officially approved final version.

AUG 23 2019

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Natasha Johnson

Director

