



State of New Jersey

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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 15298-19 S.W.

AGENCY DKT. NO. C493171007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits due to a sanction for failure to comply with the WFNJ mandatory work activity, and terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 31, 2019, the ALJ issued an Initial Decision affirming 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination with respect to the sanctioning of Petitioner's WFNJ/TANF benefits, and MODIFY the Agency's determination as to Petitioner's EA benefits, as discussed below.

In order to maintain eligibility for receipt of WFNJ benefits, a recipient must cooperate with, and participate in, the WFNJ work activity requirements. See N.J.A.C. 10:90-2.2(a)(2), -4.1(d). If a WFNJ benefits recipient fails to comply with their work activities without good cause, the recipient is subject to a sanction resulting in a pro-rata reduction of WFNJ benefits for the first month. See N.J.A.C. 10:90-4.13(b). Thereafter, if the WFNJ benefits recipient is still non-compliant, without good cause, the WFNJ benefits will be suspended for one month. See N.J.A.C. 10:90-4.13(b)(1). If the non-compliance continues, the recipient's case will close the month after the suspension of WFNJ benefits. See N.J.A.C. 10:90-4.13(b)(2).

Pursuant to N.J.A.C. 10:90-4.13(e), -6.1(c)(5) and -6.3(a)(7)(ii), EA benefits shall not be discontinued, due to a sanction for noncompliance with the work requirement, until one month after all WFNJ cash assistance has been terminated and the case closed due to the failure to correct a sanction. Further, in accordance with N.J.A.C. 10:90-6.1(c)(4), "[a]n adult household member who incurs a sanction as



a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status.”

Here, in accordance with regulatory authority, Petitioner and T.B., a member of Petitioner’s assistance unit/household, were required to participate in a WFNJ work activity. See Initial Decision at 2; see also Exhibits R-2 through R-5, and N.J.A.C. 10:90-2.2(a)(2). Petitioner and T.B.’s WFNJ/GA benefits were terminated effective September 30, 2019, for failing to comply with their required work activity. See Initial Decision at 2-3; see also N.J.A.C. 10:90-4.13. Petitioner claimed that she had attended the work activity, but did not complete it because she had secured employment. See Initial Decision at 2. However, there is nothing in the record to substantiate that claim. Also, at the hearing, T.B. admitted that he had not complied with the work activity. Id. at 3. Based on the foregoing, the ALJ found that both Petitioner and T.B. had failed to complete the mandatory work activity, and as such, concluded that the Agency’s termination of Petitioner and T.B.’s WFNJ/GA benefits was proper and must stand. Id. at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(2), -4.1(d), -4.13. I agree.

Also, the Agency terminated Petitioner and T.B.’s EA benefits because she and T.B. were no longer WFNJ benefits recipients due to the sanction discussed above. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). The ALJ agreed with the Agency’s determination. See Initial Decision at 4-5. While I agree with the Agency’s termination of Petitioner and T.B.’s EA benefits, in accordance with applicable regulatory authority, referenced above, Petitioner and T.B. remained eligible for EA benefits until one month after their cash assistance had terminated and their case had closed, September 30, 2019. See Exhibit R-1; see also N.J.A.C. 10:90-4.13(e), -6.1(c)(5), -6.3(a)(7)(ii). Further, the Agency’s EA benefits termination notice clearly indicates that Petitioner and T.B.’s EA benefits would terminate effective November 20, 2019. See Exhibit R-1. Nevertheless, the record reflects that Petitioner and T.B.’s last EA benefits were provided on August 1, 2019. See Exhibits R-10, R-11. Based on the foregoing, I find that Petitioner and T.B. were eligible for EA benefits for the months of September, October, and November 2019. However, as it is not clear from the record whether or not Petitioner and T.B. are currently facing eviction from their shelter placement, due to nonpayment of back rent, I direct the Agency to provide Petitioner and T.B. with said retroactive EA benefits only if the provision of same will keep them from being evicted from their shelter placement. See Initial Decision at 3. The Initial Decision and the Agency’s EA benefits determination are modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s action is AFFIRMED in part, as to the termination of Petitioner and T.B.’s WFNJ/GA benefits, and MODIFIED in part, as to the termination of their EA benefits, as outlined above.

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

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