



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 **04527-19 T.B.**

AGENCY DKT. NO. **C149688002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefit, and the sanctioning of Petitioner's WFNJ/TANF benefits. The Agency terminated Petitioner's WFNJ/TANF and SNAP benefits contending that she failed to provide required documentation, and sanctioned 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 April 18, 2019, but was adjourned due to Petitioner's child being sick. The case was rescheduled for April 25, 2019, but was again adjourned by Petitioner due to a conflicting dental appointment. The matter was then rescheduled for May 2, 2019, but was again not heard because Petitioner was reportedly in too much pain to appear at the hearing. Finally, on May 7, 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 employment verification documentation, and then closed on May 15, 2019.

On June 3, 2019, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's WFNJ/TANF and SNAP benefits, and affirming the Agency's sanctioning of Petitioner's WFNJ/TANF benefits. Here, the ALJ found that the Agency had discovered irrefutable evidence that Petitioner had been working during the last quarter of 2018, and during the first quarter of 2019. See Initial Decision at 3; see also Exhibits R-21, R-26, R-27, R-29 through R-35. Petitioner failed to report any such employment, and stated that she had only been employed for a day or two during that time period. See Initial Decision at 3; see also Exhibit R-9. Due to the conflict between Petitioner's statement, regarding employment and the Agency's irrefutable evidence, and for purposes of continued WFNJ/TANF and SNAP benefits eligibility, Petitioner was required to provide the Agency with documentation verifying her employment. See Initial Decision at 4; see also Exhibits R-5, R-8, R-12. However, Petitioner failed to provide such documentation, and her WFNJ/TANF and SNAP benefits were terminated. See Exhibits R-12, R-13; see also N.J.A.C. 10:90-2.2(a)(5), and N.J.A.C. 10:87-2.16. Moreover, the record was held open to allow Petitioner the opportunity to provide the requested employment documentation, but she failed to do so, stating instead that she had no intention of providing any such documentation. See Initial Decision at 4. The ALJ found that Petitioner had failed to provide accurate and complete



information regarding her employment income, which was required to determine her continued eligibility for WFNJ/TANF and SNAP benefits, and as such, concluded that Petitioner is ineligible for said benefits. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF and SNAP benefits was proper and must stand. Id. at 5; see also Exhibits R-12, R-13, and N.J.A.C. 10:90-1.6. I agree.

Additionally, in order to remain eligible for WFNJ/TANF benefits, Petitioner was required to participate in a mandatory WFNJ work activity. See Initial Decision at 3; see also N.J.A.C. 10:90-4.1(a)(2). However, Petitioner failed to attend her March 2019, work activity, and did not have a valid MED-1 form deferring her from such activity. See Initial Decision at 3; see also Exhibits R-23, R-28, and N.J.A.C. 10:90-4.10. Specifically, the record reflects that Petitioner had been working full-time when she presented to the Agency with a MED-1 form indicating an inability to work for 12 months. See Initial Decision at 3-4; see also Exhibits R-21, R-23, R-26 through R-35. Accordingly, the Agency sanctioned Petitioner's WFNJ/TANF benefits. See Exhibit R-15; see also N.J.A.C. 10:90-4.13. Based on the foregoing, the ALJ found that Petitioner failed to comply with the mandatory WFNJ work activity, without good cause, and as such, the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-15. I also agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), 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, it should be noted that only one adjournment is permitted in DFD hearings. See N.J.A.C. 1:10-9.1.

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

Officially approved final version.

Natasha Johnson
Director

JUN - 6 2019

