



State of New Jersey

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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 **06086-26 M.P.**

AGENCY DKT. NO. **S644222012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's sanctioning of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency sanctioned Petitioner's WFNJ/GA 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. The matter was initially scheduled for a hearing on March 17, 2026, at which time Petitioner failed to appear. Following a showing of good cause, the matter was relisted. On May 20, 2026, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 27, 2026, the ALJ issued an Initial Decision, reversing the Agency's sanctioning of Petitioner's WFNJ/GA benefits.

Exceptions to the Initial Decision were received from the Agency on June 3, 2026.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby **REJECT** the Initial Decision and **REMAND** the matter to the OAL for further fact finding, based on the discussion below.

Here, the record reveals that Petitioner was in receipt of WFNJ/GA benefits, and deferred from a work activity due to a MED-1 until November 5, 2025. See Initial Decision at 3; see also Exhibit R-11. On November 10, 2025, the Agency sent Petitioner an appointment notification indicating that her work activity would begin on November 17, 2025. See Initial Decision at 3; see also Exhibit R-1. At the time of the hearing, Petitioner testified that she telephoned the Agency and spoke with a representative who indicated that she did not need to attend the work program as she was beginning employment, and indicated that she received an email from the Agency representative on November 10, 2025, stating that her employment "should suffice" as a work activity. See Initial Decision at 3; see also Exhibit P-1. At the time of the hearing, the Agency representative testified that she did not recall any conversation with Petitioner and "that she would never give a client advise[sic]", however, the ALJ accepted the e-mail produced by Petitioner into evidence. See Initial Decision at 3-4; see also Exhibit P-1. Additional communications involving Petitioner were further outlined within the Initial Decision. See Initial Decision at 4; see also Exhibits R-3, R-11, R-12.

Subsequently, Petitioner did not attend the assigned work activities on November 17, 2025, or December 8, 2025, which led the Agency to issue an adverse action notice on December 10, 2025. See Initial Decision at 4; see also Exhibit R-6. Within the notification, the Agency informed Petitioner that she must comply with her WFNJ/GA work activity or her benefits would close effective February 28, 2026. Ibid. The ALJ concluded that the Agency failed to comply with its responsibilities pursuant to N.J.A.C. 10:90-4.9(d) and based such conclusion upon the November 10, 2025 e-mail



produced by Petitioner. See Initial Decision at 6-7; see also Exhibit P-1. Accordingly, the ALJ found that Petitioner's case was improperly sanctioned, then closed, and that she should be issued retroactive benefits. See Initial Decision at 7.

Exceptions to the Initial Decision were filed by the Agency on June 3, 2026. The Exceptions assert that the Agency was not presented with Exhibit P-1 prior to the time of the fair hearing in this matter, and therefore, the Agency was unable to "research the validity of this evidence." See Exception. The Agency contends that the representative present at the fair hearing testified that "she did not relay any information to the petitioner either by email or telephone regarding the petitioner's requirement to comply with a WFNJ activity." Ibid. Further, the Agency asserts that the representative, due to her job responsibilities, would not have had any interaction with Petitioner on November 10, 2025, as her role is limited to fair hearings and such fair hearing request was not made until December 18, 2025. Ibid. The Exception further asserts that the Agency's Informational Technology Department Head was unable to find any electronic record of the email presented by the Petitioner and entered into evidence as P-1. Ibid.; see also Exception attachment. Had the ALJ been presented with the facts raised in the Agency's Exceptions, properly substantiated through testimony and documentation, a different ultimate conclusion may have been made by the ALJ. Whether or not the employment of Petitioner is in fact to be considered a work activity, which would have lifted the benefits sanction is central to this matter. Failure to accurately and properly determine this issue could result in an overissuance of WFNJ/GA benefits to Petitioner, due to an ineligibility for same, for which Petitioner would be responsible to repay.

As such, I am remanding this matter to the OAL for further factfinding with the following directives. As the information in the Exceptions directly contradicts the testimony provided at the time of the hearing, and the documentary evidence was not made available to the Agency prior to the hearing, on remand, the Agency must produce evidence of the facts asserted in the Exceptions to the ALJ. Additionally, Petitioner, upon remand, is to provide information regarding the veracity and authenticity of her documentary evidence.

Accordingly, the Initial Decision is REJECTED and the matter is REMANDED to the OAL for further fact finding, as outlined above.

Officially approved final version. July 21, 2026

Natasha Johnson
Assistant Commissioner

