

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Elizabeth Connolly Acting Commissioner

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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 13531-15 A.M.

AGENCY DKT. NO. C035696 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of his Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits due to a failure to comply with his Individual Responsibility Plan ("IRP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 5, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 20, 2015, the ALJ issued his Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I ADOPT the ALJ's Initial Decision and REVERSE the Agency determination.

Under the relevant WFNJ/TANF regulations, illness of the Petitioner, or a child of the Petitioner, will provide a good cause basis for an absence from a particular day of employment. See N.J.A.C. 10:90-4.11(b)(2)(i). Petitioner must either inform a supervisor or appropriate person at the work activity, or provide the appropriate documentation. See N.J.A.C. 10:90-4.11(b)(2).

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Similarly, the relevant SNAP regulations provide that Petitioner's failure to attend a work activity due to the illness of Petitioner or a household member, will qualify as good cause for non-compliance. See N.J.A.C. 10:87-10.18(b). However, the illness of the household member must be so serious as to require the presence of the Petitioner. See N.J.A.C. 10:87-10.18(b)(1).

Based on the record presented, Petitioner agreed, in three separate IRP's, to attend and complete a mandatory work activity. See Initial Decision at 2; see also Exhibit R-1 at 7, 11 and Exhibit R-2 at 2. After signing the most recent IRP on July 7, 2015, Petitioner failed to attend six days of his work activity from July 28 through July 30, and from August 3 through August 5. See Initial Decision at 2; see also Exhibit R-2 at 4-7. Although Petitioner only provided a doctor's note excusing his absence for three of the days in question, the ALJ found there was good cause for Petitioner to miss all of his absences, as he attempted to treat his son on his own before seeing a doctor in the hope to avoid additional expense. See Initial Decision at 2. Moreover, it appears the illness of Petitioner's son was serious enough to require a visit to an emergency room, as well as further examination from a different doctor. See Initial Decision at 4; see also Exhibit R-2 at 9-10. Therefore, I agree with the ALJ that Petitioner has provided good cause for his absences from his work activity.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's determination to sanction, and thereafter terminate, Petitioner's WFNJ/TANF benefits is hereby REVERSED.

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Signed Copy on File at DFD, BARA

Natasha Johnson Director