



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 16622-14 F.L.

AGENCY DKT. NO. C175956 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's WFNJ/TANF benefits because she failed to comply with her required WFNJ work activity, was sanctioned, and the sanction has not been removed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 29, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. TANF is a component of WFNJ that provides assistance to adults with dependent children. N.J.A.C. 10:90-1.1(b).

In order to maintain eligibility for receipt of WFNJ benefits, the recipient must cooperate with and participate in the WFNJ work activity requirements. If a WFNJ

recipient fails to comply with their work activities without good cause, the recipient is subject to a progression of sanctions on their WFNJ benefits, including a reduction in benefits, a suspension of benefits and ultimately, a termination of benefits. See N.J.A.C. 10:90-4.13; see also N.J.A.C. 10:90-2.2(e)(requiring imposition of sanction pursuant to N.J.A.C. 10:90-4.13 when WFNJ recipient fails to participate in work activities without good cause”).

Following loss of cash assistance due to noncompliance with work activities, the individual must re-apply for WFNJ benefits, satisfactorily complete sanction obligations and comply with work activities in order to be eligible for WFNJ/TANF cash assistance. See N.J.A.C. 10:90-2.2(e).

A careful review of the record shows that Petitioner was approved by the Agency on December 3, 2014, to receive Supplemental Nutritional Assistance Program (“SNAP”), f/k/a the Food Stamp Program, benefits and Medicaid. See Exhibit R-1 at 2. Additionally, the record indicates that Petitioner was neither approved for, nor denied Emergency Assistance benefits. *Id.* at 3. Therefore, these benefits are not at issue here.

Regarding WFNJ benefits, the record indicates that Petitioner was denied WFNJ/TANF benefits because she incurred a sanction for failing to comply with her required WFNJ work activity. See Initial Decision at 2; see also Exhibit R-1 at 1. Petitioner stated she did not attend her work activity because she has two young children at home. See Initial Decision at 2. However, there was no evidence presented that child care was not available, and therefore, no good cause was shown for failure to participate in her WFNJ work activity. See N.J.A.C. 10:90-4.11(a)(3). Accordingly, I concur with the ALJ’s finding, that Petitioner failed to comply with her WFNJ work activity, without good cause, she incurred a sanction, the sanction had not been removed, and therefore, the Agency properly denied Petitioner WFNJ/TANF benefits. *Id.* at 2, 4.

Based upon the foregoing, Petitioner remains ineligible for WFNJ/TANF benefits until she comes into compliance with her WFNJ work requirements. See N.J.A.C. 10:90-2.2(a)(7)(requiring satisfaction of any sanction incurred). Accordingly, Petitioner must re-apply for WFNJ/TANF benefits, satisfactorily complete her sanction obligations and comply with her work activities in order to qualify for WFNJ/TANF cash assistance. See N.J.A.C. 10:90-2.2(e).

As the record indicates that the Petitioner has an open case with the Division of Child Protection and Permanency (“DCP&P”), f/k/a DYFS, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner’s children.

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

*Signed Copy on File*  
at DFD, BARA

MAR 24 2015

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Jeanette Page-Hawkins  
Director