



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 17612-15 J.H.

AGENCY DKT. NO. C167257 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's imposition of a sanction against her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for failure to comply with her work requirement, as well as the denial of payment of additional Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") to Petitioner's former landlord. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 9, 2015, the ALJ issued his Initial Decision reversing in part and affirming in part the Agency determination.

No Exceptions to the Initial Decision were filed.

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, having made an independent evaluation of the record, I ADOPT the ALJ's Initial Decision, and AFFIRM in part and REVERSE in part the Agency's determination, as set forth below.

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute

housing.” See N.J.A.C. 10:90-6.1(c). The assistance unit shall be ineligible for EA for a six-month period when the adult applicant caused their own homelessness without good cause. See N.J.A.C. 10:90-6.1(c)(3).

Further, WFNJ applicants and recipients must cooperate with WFNJ work requirements as a condition of eligibility. See N.J.A.C. 10:90-2.2(a)(2). “Any applicant who fails at any time to cooperate with any of the WFNJ work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C. 10:90-4.13.” See N.J.A.C. 10:90-2.2(d). Once a sanction has been imposed, an adverse action notice must be mailed to the recipient at least 10 calendar days prior to the sanction’s effective date. See N.J.A.C. 10:90-4.13(i)(6). Thereafter, if a recipient contacts the WFNJ case manager prior to the expiration of the 10-day adverse action period, and the case manager determines that good cause does not exist for noncompliance, but the recipient demonstrates an intent to comply, no per capita sanction will be imposed. See N.J.A.C. 10:90-4.13(i)(6)(ii).

Here, the Agency imposed a sanction against Petitioner’s WFNJ/TANF benefits for non-compliance with her mandatory WFNJ work requirement, which was to begin on September 1, 2015. See Initial Decision at 2; see also Exhibit R-1 at 6. At the hearing, Petitioner admitted that she did not attend the work activity on September 1, 2015, asserting that she was required to be in school for classes needed to complete her associate’s degree. See Initial Decision at 3. The Agency sent Petitioner a notice dated September 10, 2015, advising that a sanction would be imposed against her WFNJ/TANF benefits effective October 1, 2015. See Initial Decision at 3; see also Exhibit R-1 at 9.

However, on September 10, 2015, Petitioner advised the Agency in writing via a “Reporting Changes in Circumstances” form that she had been employed since August 4, 2015, and that her mandatory work requirement created a scheduling conflict with her new full-time job. See Initial Decision at 3; see also Exhibit R-1 at 12. By letter dated September 25, 2015, the Agency asked Petitioner to provide copies of all paystubs she received to date from her new employer. See Initial Decision at 3; see also Exhibit R-1 at 13. At the hearing, Petitioner testified that she provided copies of her paystubs to the Agency twice, once in August and again in September 2015. See Initial Decision at 3; see also Exhibit P-1 at 25-37. The Agency offered no evidence or testimony to rebut Petitioner’s assertion in that regard. See Initial Decision at 5. On that basis, the ALJ concluded, and I concur, that the imposition by the Agency of a sanction against Petitioner’s WFNJ/TANF benefits was improper and should be rescinded.

In addition, Petitioner also requested that the Agency pay her landlord additional EA/TRA in the sum of \$2,175.00, consisting of late fees, attorney’s fees, and other costs associated with the eviction action instituted by the landlord against Petitioner.

See Initial Decision at 3; see also Exhibit P-1 at 14-18. At the hearing, the Agency produced a printout of Petitioner's benefits dated September 21, 2015, illustrating that the Agency paid a total of \$6,624.00 of EA/TRA to Petitioner's landlord in August and September 2015. See Exhibit P-1 at 31. The ALJ noted that there was no testimony or other credible evidence submitted on behalf of Petitioner to substantiate the claim that the Agency should pay \$2,175.00 of additional EA/TRA to Petitioner's landlord. See Initial Decision at 4. Based on the foregoing, the ALJ concluded, and I concur, that the Agency's denial of the payment of any additional EA/TRA to Petitioner's landlord was appropriate and should be affirmed.

In light of the foregoing, I hereby ADOPT the ALJ's Initial Decision, REVERSE the Agency's action with regard to the imposition of a sanction against Petitioner's WFNJ/TANF benefits, and AFFIRM the Agency's action in denying the payment of any additional EA/TRA to Petitioner's landlord.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is hereby AFFIRMED in part and REVERSED in part, as set forth in detail above.

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Signed Copy on File
at DFD, BARA

Natasha Johnson
Director