



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 5059-15 A.T.

AGENCY DKT. NO. GA569209 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") application. The Agency denied Petitioner WFNJ/GA and EA benefits because he purportedly failed to provide it with required information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing, originally scheduled for May 12, 2015, was adjourned to May 14, 2015, to allow the Agency time to produce additional information relevant to the matter. On May 14, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On May 15, 2015, the ALJ issued his Initial Decision, affirming in part and reversing in part the Agency's determination. The ALJ referenced four issues in the matter. See Initial Decision at 2.

As to the first issue in the matter, the ALJ found that Petitioner was barred from seeking retroactive relief to the date of his October 2014 application for WFNJ/GA benefits, which included back rent and utilities, as well as his August 2014 request for voucher for a refrigerator because he did not timely request a hearing to challenge the Agency's lack of formal response. See Initial Decision at 3. The reason the ALJ barred Petitioner's claim seeking retroactive relief is because more than ninety-days passed after the processing period for Petitioner's application before he requested a hearing challenging the Agency's inaction. *ibid.*; see also N.J.A.C. 10:90-9.10(c) (detailing the ninety calendar day time period for requesting a

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hearing based upon the lack of a formal response from the Agency related to an application.) I agree with the ALJ's conclusion as to the issue

With regard to the second issue, based upon credible evidence, the ALJ determined that the Agency improperly denied Petitioner's application from 2015 for WFNJ/GA benefits on the basis that he did not timely provide required information. See Initial Decision at 4. The ALJ therefore found that Petitioner was eligible for WFNJ/GA as of February 2015. *ibid.* Noting that Petitioner started employment in March of 2015 and then correctly calculating income disregards as they applied to Petitioner, the ALJ determined that Petitioner is eligible for WFNJ/GA benefits from February 2015 through the end of March 2015. I agree with the ALJ's conclusion as to the issue. Therefore, I hereby reverse the Agency's determination as to the issue.

The third issue relates to Petitioner's eligibility for EA benefits. As Petitioner provided no evidence that he was in danger of imminent homelessness, he failed to show that he is qualified for EA. See Initial Decision at 5. The ALJ thus concluded that Petitioner is not eligible for EA. *ibid.* I agree with the ALJ as to the issue. Therefore, I hereby affirm the Agency's determination as to the issue.

Lastly, as to the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits issue, the ALJ found that Petitioner received SNAP from October 2014 through April 2015 and not for May 2015. See Initial Decision at 5. Thus, he concluded that Petitioner must contact the Agency for recertification. *ibid.* I agree with the ALJ's conclusion.

Exceptions to the Initial Decision were received from Petitioner on May 26, 2015. In sum, Petitioner disputes the findings of fact made by the ALJ and posits evidence was presented at the hearing that supports his contention that he is entitled to all of the relief sought by him.

As the Director of the Division of Family Development, 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 conclusions in this matter and hereby ADOPT the Findings of Fact and Conclusions of Law in this matter.

By way of comment, in his exceptions, Petitioner asserts that evidence was presented at the hearing to show that he is imminently homeless and thereby entitled to receive EA benefits. However, I find that Petitioner, through his exceptions, attempts to make mere argument that he is imminently homeless. Any attempt now to present evidence that was not part of the record in the matter would be improper and rejected. However, even if additional evidence at this stage were permitted, there was nothing made part of Petitioner's exceptions that shows that the ALJ incorrectly ruled that EA was properly denied by the Agency. I have carefully reviewed Petitioner's exceptions, and they do not alter my decision in the matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED in part and AFFIRMED in part.

Signed Copy on File
at DFD, BARA

MAY 27 2015

Natasha Johnson
Director