



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 3279-15 C.R.

AGENCY DKT. NO. GA564381 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he is not receiving Work First New Jersey ("WFNJ") benefits and owes five months back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 23, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

As the Acting Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

It is anticipated the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). In order to be found eligible WFNJ/GA for benefits, the applicant must provide all necessary documentation requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5). The Agency has the responsibility to secure verification from secondary sources as necessary in order to determine eligibility. N.J.A.C. 10:90-1.6(a).

Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2.

Here, the ALJ affirmed the Agency's denial of EA benefits because Petitioner's WFNJ/GA application was still pending, therefore he was not a WFNJ/GA recipient when he applied for EA benefits, and consequently, was not eligible for EA benefits. Based on the record presented, I must concur.

I note that the record indicates that Petitioner applied for EA benefits on March 4, 2015, and presumably applied for WFNJ/GA benefits at the same time. In light of Petitioner's imminent homelessness, I direct the Agency to process Petitioner's WFNJ/GA application, in an expedited manner, and if he is found to be eligible for WFNJ/GA benefits, the Agency is directed to reevaluate Petitioner's application for EA benefits, in an expedited manner, as well. If it has not done so already, the Agency shall evaluate the Petitioner for immediate need in accordance with N.J.A.C. 10:90-1.3.

By way of comment, Petitioner is directed to immediately provide the Agency with any and all documentation required to process his WFNJ/GA application, if he has not already done so. Further, Petitioner is without prejudice to request another fair hearing should the Agency deny him WFNJ/GA and/or EA benefits.

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

APR - 6 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director