



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 20309-15 C.S.

AGENCY DKT. NO. GA582147 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") benefits. Upon Petitioner's redetermination for continued WFNJ/GA benefits, the Agency denied Petitioner said benefits because she failed to apply for Supplemental Security Income ("SSI") benefits, and denied Petitioner EA benefits contending that she had exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 21, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 22, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination, although the ALJ ordered the Agency to provide Petitioner with WFNJ/GA and EA, benefits for the period of September 1, 2015, to November 12, 2015, due to untimely notice of the denial of WFNJ/GA and EA, benefits.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on January 13, 2016, and January 14, 2016.

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

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; Retirement, Survivors and

Disability Insurance; [SSI]; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." N.J.A.C. 10:90-1.12.

Pursuant to N.J.A.C. 10:90-6.2, only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits.

Here, the ALJ found that the Agency properly denied Petitioner continued WFNJ/GA benefits because she failed to apply for SSI benefits, without good cause, as directed by the Agency. See Initial Decision at 3; see also N.J.A.C. 10:90-1.12. Additionally, the ALJ found that the Agency properly denied Petitioner EA benefits because she was no longer a WFNJ cash recipient, and was not an SSI recipient. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2. I concur with the ALJ's foregoing conclusions.

However, due to untimely notice to Petitioner (the record indicates that Petitioner's WFNJ/GA and EA, benefits were terminated in September 2015, but Petitioner was not noticed until November 12, 2015), the ALJ ordered the Agency to provide WFNJ/GA benefits and EA benefits to Petitioner for the period of September 1, 2015, to November 12, 2015. See Initial Decision at 3. I respectfully disagree. Notwithstanding the fact that Petitioner appears to have received untimely notice, the Agency is not authorized to provide Petitioner with benefits she is not eligible to receive under the regulations. Moreover, an independent review of the record shows that the Agency advised Petitioner, by Notice dated August 3, 2015, that she must apply for SSI, yet she neglected to do so, and did not offer any explanation for her inaction. See Exhibit P-1 at 8. Further, the record indicates that Petitioner did not apply for SSI benefits until December 9, 2015, well after the Notice date of August 3, 2015. See Initial Decision at 2; see also Exhibit P-1 at 18. Therefore, I find that Petitioner is not eligible to receive WFNJ/GA benefits or EA benefits for the the period of September 1, 2015, to November 12, 2015. The Initial Decision is modified to reflect this finding.

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

*Signed Copy on File*

at DFD, BARA

JAN 15 2016

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Natasha Johnson  
Director