



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 8842-14 D.W.

AGENCY DKT. NO. GA383259 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 8, 2014, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On August 20, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner is the primary source of eligibility information and is responsible to provide all documentation required to establish eligibility for assistance. N.J.A.C. 10:90-1.6(a); -2.2(a)(5). "Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program requirements without good cause shall render some or all of the assistance unit ineligible for WFNJ benefits." N.J.A.C. 10:90-2.2(d).

As part of his cash benefit redetermination, the Agency asked Petitioner to produce payment documentation for a cellular telephone issued to his father. Petitioner contends the Agency helped his father apply for the free phone available through the federal LifeLine Assistance program, and that Petitioner began to use the phone as his father became increasingly infirm. The ALJ found Petitioner did not have, and therefore could not produce, a cellular telephone contract, payment receipts or a letter from the person paying for the cellular service.

Although the Agency previously confirmed Petitioner's representations and reinstated his WFNJ/GA eligibility, it refused to pay retroactive cash benefits. Petitioner having established good cause, and in the absence of any supporting regulation, the ALJ appropriately reversed the Agency determination and directed the payment of retroactive WFNJ/GA.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

OCT 16 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director