



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 14805-14 E.H.

AGENCY DKT. NO. GA567900 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits because he failed to complete his WFNJ 28-day employment related activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 10, 2014, the Honorable Lisa James-Beavers, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 23, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

No exceptions to the Initial Decision were received.

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

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. N.J.A.C. 10:90-1.1(b).

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. N.J.A.C. 10:90-1.2(f)(8). An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. Ibid.

In the instant matter, on August 12, 2014, Petitioner applied for WFNJ/GA benefits and was required to conduct job searches and return completed job search worksheets to the Agency on August 29, September 5, September 12, and September 19, 2014, in order to be eligible for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 22, 23. Petitioner returned all the required worksheets except for the September 19th worksheet. See Initial Decision at 2-4. Accordingly, effective September 25, 2014, the Agency denied Petitioner WFNJ/GA benefits. See Exhibit R-1 at 17.

Petitioner testified at the hearing that he had returned the September 19th worksheet to the Agency and they had lost it. See Initial Decision at 4-5. At the time of the hearing, Petitioner provided the ALJ with a job search worksheet dated 09/19/14. See Exhibit P-1. However, the record indicates that this worksheet was never provided to the Agency at any time prior to the hearing, even though Petitioner testified that he had a copy in his possession as early as September 29th. See Initial Decision at 5-6. Based on the testimonial evidence presented, and having had the opportunity to observe the demeanor of the witnesses and to assess credibility, the ALJ found the Petitioner's testimony and his September 19, 2014, job worksheet, not credible. Ibid. Accordingly, the ALJ affirmed the Agency's denial of WFNJ/GA benefits. I agree with this determination.

Further, it appears from the record that on November 26, 2014, the Agency provided Petitioner with another employment activity plan, with compliance dates of November 28, December 05, December 12, and December 19, 2014. See Initial Decision at 3; see also Exhibit R-1 at 31-33. The record also indicates that at the time of the hearing, Petitioner had completed his November 28 and December 12, 2014, employment activity plan requirement. Therefore, I find that Petitioner may now be eligible for WFNJ/GA benefits, provided he completed his 28-day work activity, he continues to need WFNJ/GA benefits, and is otherwise eligible for WFNJ/GA benefits. See N.J.A.C. 10:90-2.1 et seq. and N.J.A.C. 10:90-3.1 et seq.

Based upon the foregoing, the Initial Decision is ADOPTED and the Agency's determination AFFIRMED.

Signed Copy on File
at DFD, BARA

FEB 11 2015

Jeanette Page-Hawkins
Director