



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 8232-15 H.C.

AGENCY DKT. NO. GA298307 (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 the denial of his application for Emergency Assistance ("EA") in the form of shelter placement. The Agency denied Petitioner WFNJ/GA benefits and denied his EA application because he failed to timely complete his 28-day work activity requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 10, 2015, the Honorable Barry E. Moscowitz, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On June 10, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

The record reveals that Petitioner applied to the Agency for WFNJ/GA benefits on January 28, 2015. See Initial Decision at 3. Thereafter, Petitioner failed to begin his required 28-day work activity in a timely manner. Ibid. The Agency provided Petitioner with a new start date for his work activity on February 20, 2015, which he completed on March 20, 2015. Ibid.

However, because the Agency failed to advise Petitioner that he then needed to reapply for benefits, Petitioner did not do so. Ibid. Accordingly, the Agency denied Petitioner WFNJ/GA benefits and denied Petitioner EA because he failed to reapply for benefits after completion of his 28-day work activity on March 20, 2015. Ibid.

At the hearing, the ALJ opined that, had Petitioner known he needed to reapply for benefits after completing his work activity, he would have done so. See Initial Decision at 3. The ALJ found that Petitioner completed all WFNJ/GA eligibility requirements, including timely starting and completing the second assigned 28-day work activity, with the exception of reapplying for benefits. Ibid.

Accordingly, the ALJ determined that Petitioner should not be penalized for the Agency's oversight in failing to inform him that he needed to reapply for benefits after completing his required work activity. See Initial Decision at 3-4. Therefore, the ALJ concluded, and I agree, that the Agency's denial of Petitioner's WFNJ/GA benefits, and the denial of his EA application, should be REVERSED. See Initial Decision at 4. Further, I agree with the ALJ's ORDER that the Agency provide Petitioner with retroactive WFNJ/GA benefits as of March 20, 2015, the date Petitioner completed his 28-day work activity requirement. Ibid. I also agree with the ALJ's ORDER that the Agency immediately provide Petitioner with EA in the form of shelter placement. Ibid.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision in the matter is hereby ADOPTED and the Agency action is hereby REVERSED.

Signed Copy on File
at DFD, BARA

JUN 29 2015

Natasha Johnson
Director