



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 11167-14 M.C.

AGENCY DKT. NO. GA78127 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's request because she did not complete her 28-day work activity in connection with her May 1, 2014, application for WFNJ/GA benefits. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 29, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing and admitted documents. The Petitioner failed to appear at the hearing. On November 24, 2014, the ALJ issued an Initial Decision, dismissing the matter due to Petitioner's failure to appear, and affirming the Agency's denial of Petitioner's request for WFNJ/GA benefits.

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.

A full review of the procedural history in this matter is in order. Petitioner and her husband first appeared at a hearing on September 2, 2014 regarding the Agency's denial of their WFNJ/GA benefits. At the September 2nd hearing, a copy of the Final Agency Decision ("FAD") in OAL Docket number HPW 12029-13, involving Petitioner and issued December 12, 2013, which remanded the matter back to the Agency, was admitted into evidence. See Exhibit P-1. That FAD determined that Petitioner had exhausted her lifetime limit of WFNJ/GA benefits and provided no proof that she was eligible for an exemption, or extension, or that limit. The matter

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was remanded back to the Agency to evaluate if Petitioner's husband was exempt from the lifetime limit of WFNJ/GA benefits based upon the Med-1 form provided. Ibid. As of the date of the September 2nd hearing, the Agency had not made such an evaluation and in light of the aforementioned FAD, the hearing was adjourned to September 26, 2014. See Initial Decision at 2.

On September 26, 2014, the hearing was held wherein Petitioner's husband was found to be exempt from the lifetime limit of WFNJ/GA based on his MED-1 form. Regarding Petitioner, testimony was taken as to whether she had timely completed her 28-day work activity so as to qualify for WFNJ/GA benefits retroactive to the date of her application. Ibid. Clearly, this testimony was not consistent with the finding in the prior FAD. See Exhibit P-1. However, it was not until after the September 26th hearing, and prior to issuing her decision, that the ALJ reviewed the complete prior FAD. See Initial Decision at 2. In light of the finding in the prior FAD, the ALJ scheduled the October 29, 2014, hearing to allow the parties to address this issue. See Initial Decision at 2.

The Petitioner failed to appear at the October 29th hearing. Consequently, in light of the prior FAD, the ALJ dismissed the matter determining that the Petitioner has exhausted her lifetime maximum of WFNJ/GA benefits.

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

JAN 16 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director