



*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 14211-14 M.S.

AGENCY DKT. NO. GA270518 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the subsequent denial of her request for Emergency Assistance ("EA"). Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2014, the Honorable Tahesha L. Way, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 10, 2014, the ALJ issued an Initial Decision reversing the Agency determination.

The Agency submitted Exceptions to the Initial Decision on November 11, 2014.

As 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 ADOPT the Initial Decision and REVERSE the Agency determination.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity. 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. N.J.A.C. 10:90-1.2(f)(8).

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EA shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. N.J.A.C. 10:90-6.1(a). Only WFNJ and Supplemental Security Income recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2.

Here, Petitioner applied for WFNJ/GA and EA in October 2014. As part of her fulfillment of the 28-day work requirement, Petitioner was referred to the Substance Abuse Initiative ("SAI"). Subsequently, the Agency denied Petitioner's application for WFNJ/GA on the basis that she failed to comply with the SAI. Because the Petitioner was not eligible for WFNJ/GA, the Agency denied her request for EA.

During the hearing, the Petitioner testified that she attended her scheduled appointment with SAI but was not given any further instructions regarding future appointments. The ALJ found Petitioner's testimony credible. Moreover, the Agency did not provide any document or other evidence which would reflect the alleged basis of Petitioner's failure to comply with SAI.

In its Exceptions, the Agency contends that Petitioner received proper notice regarding her referral to the SAI and provided supporting documentation indicating the same. However, the Petitioner does not dispute that she was referred to the SAI, but rather that, after attending her initial SAI appointment, she was not given any follow-up appointments or instructions.

The ALJ concluded, and I agree, that the Agency improperly denied Petitioner's WFNJ/GA and EA benefits. As such, the Agency shall immediately restore Petitioner's immediate need benefits.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby REVERSED.

DEC - 1 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director