



## 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 20199-15 R.B.

AGENCY DKT. NO. GA538177 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. Petitioner was denied WFNJ/GA benefits because he did not provide requested documents for proof of residency, and was denied EA because he was not a WFNJ/GA benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 23, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the same day, the ALJ issued an Initial Decision reversing the Agency's 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 ALJ's Initial Decision and REVERSE the Agency's determination.

I take official notice of the fact that Petitioner had a prior case in October 2015, OAL Docket number HPW 14077-15 (issued October 7, 2015), where the Agency sanctioned Petitioner for non-compliance with his work activity and denied Petitioner EA because he was not a WFNJ recipient. See N.J.A.C. 10:90-4.13; see also N.J.A.C. 10:90-6.2(a). In the Final Agency Decision ("FAD"), I found that Petitioner's GA case was closed on September 1, 2015, due to a sanction and therefore, was not eligible for EA because he was no longer a WFNJ recipient.

However, it was noted that Petitioner came into compliance with his sanction as of September 3, 2015, two days after the date upon which his case was closed due to the aforementioned sanction. See prior case record, Exhibit P-1, OAL Docket Number HPW 14077-15. Therefore, based on the cumulative evidence presented in both the prior case and current fair hearing, I take official notice that Petitioner has been in compliance with his previous sanction as of September 3, 2015.

In this case, the ALJ found that Petitioner came to the Agency on October 27, 2015, to apply for WFNJ/GA benefits but was denied because he was unable to provide documentation for proof of residence. See Initial Decision at 2; see also Exhibit P-1. The ALJ correctly determined that a permanent physical residence is not an eligibility requirement and Petitioner's stated intent to reside in the county was enough proof to deem him a resident of that county. See Initial Decision at 3; see also Exhibit P-3; see also N.J.A.C. 10:90-2.12. In addition, the record is devoid of any further information that would provide a basis, outside of the one specified in the Adverse Action notice, to deny Petitioner cash assistance. Therefore, as the ALJ correctly concluded, Petitioner should have been eligible for benefits when he applied for WFNJ/GA at the Agency on October 27, 2015, and is entitled to benefits from the date of that application. See Initial Decision at 4.

Additionally, Petitioner also submitted an application for EA on the same date of his WFNJ/GA application, but was denied because he was not a current WFNJ recipient. Id. at 2; see also Exhibit P-2. The ALJ found, and I agree, that Petitioner would have been otherwise eligible for benefits on the date of his application, if he had been correctly approved for WFNJ/GA benefits. See Initial Decision at 4. Therefore, the Agency is directed, as expeditiously as possible, to process Petitioner's EA application in line with the reasoning presented in this opinion.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's actions are hereby REVERSED.

 11 2016

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director