



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 6602-15 R.B.

AGENCY DKT. NO. GA325482 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits as he was ineligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits because he had failed to provide proof that he applied for citizenship. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 13, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On May 15, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

No Exceptions to the Initial Decision were filed by either party.

As Director of the Division of Family Development, Department of Human Services, I have reviewed 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 AFFIRM the Agency's action.

The WFNJ/GA Program was established in order to uniformly inspire and require all able-bodied single individuals and couples without dependent children to work rather than to receive welfare. See N.J.A.C. 10:90-1.1. Assistance benefits provided under WFNJ/GA are time limited and for eligible aliens, who are single adults or couples without dependent children, the benefit period is further limited based upon alien's eligibility and citizenship status. See N.J.A.C. 10:90-2.3(a)(3).

N.J.A.C. 10:90-2.10 (a) dictates that only United States citizens or "eligible aliens"

are eligible to receive WFNJ/GA benefits. N.J.A.C. 10:90-2.10(b)(1)(i) states that an alien, present in the United States prior to August 22, 1996, and who is a lawful permanent resident is considered to be an "eligible alien." However, as noted above, N.J.A.C. 10:90-2.3(a)(3) further requires that citizenship status must be taken into consideration through evaluation of the alien's period of residency here in the United States and the alien's efforts to attain United States citizenship by application for naturalization. See N.J.A.C. 10:90-2.3(a)(3)(i) - (iv). N.J.A.C. 10:90-2.3(a)(3)(ii) states that aliens who have met residency status for citizenship and have applied for citizenship, "shall not receive benefits for more than six months unless they attain citizenship." It is only after attaining citizenship that an eligible alien may continue to receive benefits for a lifetime total of 60 months, including the months of WFNJ benefits received prior to attaining citizenship. See N.J.A.C. 10:90-2.3(a)(3)(iii).

The purpose of Emergency Assistance ("EA") is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). Only WFNJ and Supplemental Security Income ("SSI") recipients are eligible to receive EA benefits. See N.J.A.C. 10:90-6.2(a).

A review of the record in this matter shows that Petitioner is a permanent resident, with residency status since September 9, 1990. See Exhibit P-1. Accordingly, Petitioner is as an "eligible alien." See N.J.A.C. 10:90-2.10(b)(1)(i). The record further reveals that Petitioner applied for extended EA/shelter benefits and was denied by the Agency on May 1, 2015. See Initial Decision at 2; see also Exhibit R-1 at 2. The Agency's denial notice indicates that Petitioner has received his limit of six months of WFNJ/GA benefits as a permanent resident and is no longer eligible for WFNJ/GA benefits, and by extension, is ineligible for EA benefits. See Exhibit R-1 at 2. Clearly, Petitioner has not attained citizenship, as required by N.J.A.C. 10:90-2.3(a)(3)(ii), and therefore, I find that Petitioner is not eligible for WFNJ/GA and EA benefits and I concur with the ALJ's conclusion in this matter. It should be noted, that even had Petitioner already applied for citizenship, N.J.A.C. 10:90-2.3(a)(3)(ii) limits the benefit period to six months, which Petitioner has clearly already received.

Petitioner is without prejudice to reapply for WFNJ/GA and EA benefits at such time that he attains citizenship and if he is in need of benefits, subject to applicable eligibility criteria.

Based upon the foregoing, I hereby ADOPT the ALJ's decision and AFFIRM the Agency's action.

MAY 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director