



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 14739-14 S.F.

AGENCY DKT. NO. GA499035 (FRANKLIN TOWNSHIP MWD)

Petitioner appeals the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") cash benefits and the imposition of a 30-day period of ineligibility because she did not comply with an individualized 28-day WFNJ work activity requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 23, 2014, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On December 29, 2014, the CALJ issued an Initial Decision which reversed the Agency determination and directed the Agency to grant WFNJ/GA cash benefits retroactive to July 15, 2014 and refer Petitioner to the Substance Abuse Initiative ("SAI") program.

Exceptions to the Initial Decision were filed by the Agency on January 7, 2015, and by Petitioner on January 16, 2015. A reply to Petitioner's exceptions was filed by the Agency on January 16, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the CALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Findings of Fact and Conclusions of Law in the Initial Decision, as though set forth herein at length, and REVERSE the Agency determination.

The Bridgewater Township Division of Welfare and Affordable Housing ("Bridgewater") granted WFNJ/GA cash benefits and referred Petitioner to the

SAI program. Initial Decision at 3. Petitioner moved and became a client of the Agency before she completed the SAI program. Ibid. Reasonably unaware of Petitioner's specific circumstances, the Agency required her to complete an individualized 28-day WFNJ work activity requirement, and terminated assistance and imposed a 30-day period of ineligibility when she did not satisfactorily complete the required number of weekly job searches. Initial Decision at 2-3. In material part, the CALJ found that Bridgewater did not timely transfer all pertinent records to the Agency, which in turn "caused a cut-off of benefits for failure to comply with employment requirements when [Petitioner] was, in fact, not employment ready. The recent MED-1 form demonstrates that she remains in need of these services." Initial Decision at 4. I agree.

In its exceptions received on January 7, 2015, the Agency alleges that Petitioner did not disclose her previous referral to the SAI program during her initial interview with the Agency, and contends for the first time that such non-disclosure violates N.J.A.C. 10:90-11.1(b)(3) and impliedly constitutes a possible "Intentional Program Violation ("IPV"). Exhibit P-7. I disagree. The Agency did not base its termination of WFNJ/GA benefits upon this alleged non-disclosure, I find no evidence the alleged non-disclosure was deliberately and knowingly made to obtain benefits to which Petitioner was not entitled, and there is no suggestion the Agency would have otherwise denied or granted benefits in a lesser amount. N.J.A.C. 10:90-11.1(b). To the contrary, the Agency concedes that had it known of the previous SAIF referral, it "could have followed up and referred her [to the SAIF program] with little or no lapse in services." Likewise, I have carefully reviewed and considered the remainder of the factual allegations and contentions in the Agency's exceptions, and find insufficient reason or evidence in the record to reject the Initial Decision.

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

FEB 25 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director