



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 15739-14 T.J.

AGENCY DKT. NO. GA439749 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's WFNJ/GA benefits for allegedly failing to complete a 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2015, the Honorable Leland S. McGee, 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 reviewed the record and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determination.

An employable WFNJ/GA recipient/applicant must participate in a minimum of 28 days of employment related activity before they can become eligible for cash assistance. See N.J.A.C. 10:90-2.2(a)(2). In addition, an applicant/recipient, as a condition of eligibility for WFNJ/GA benefits, shall, among other things, provide all necessary documentation, including contact information. See N.J.A.C. 10:90-2.2(a)(5).

Page 2

In the instant matter, on October 31, 2014, the Agency sent an adverse action notice to Petitioner denying her application for WFNJ/GA benefits because she purportedly failed to attend a 28-day work activity. See Initial Decision at 2; see also Exhibit P-1. However, the record indicates that, in fact, Petitioner completed the program on September 4, 2014, and this fact was confirmed by the Agency. Ibid. As such, the Agency acknowledged that it failed to meet its burden of proof in this matter. See Initial Decision at 2.

Therefore, based on a review of the record and the Agency's acknowledgment, I concur with the ALJ that Petitioner's application for GA benefits was improperly denied. Petitioner shall be provided with retroactive GA benefits to the date of her completed work activity, September 4, 2014. See N.J.A.C. 10:90-1.2(f)(8).

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

FEB 25 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director