



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 6152-15 W.H.

AGENCY DKT. NO. GA535573 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because he failed to provide the requested documentation needed to determine eligibility, and denied EA benefits because Petitioner was not a WFNJ/GA cash recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 28, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On June 1, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby ADOPT in part and MODIFY in part the Initial Decision and REVERSE the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. See N.J.A.C. 10:90-1.1(a); see also N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. N.J.A.C.10:90-1.1(b). Assistance benefits provided under WFNJ/GA are time-limited and considered a temporary cash subsidy to bridge

the gap while individuals seek and obtain self-sufficiency through bonafide unsubsidized employment. N.J.A.C. 10:90-1.1(d). Specifically, a WFNJ/GA recipient, such as Petitioner, may qualify for a cumulative lifetime benefit of EA benefits for a period of twelve months. N.J.A.C. 10:90-6.4(a). Only WFNJ cash assistance recipients and SSI recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2.

Here, the record reflects that Petitioner applied for WFNJ/GA benefits and the Agency denied his application on April 6, 2015. See Initial Decision at 2. Although the record confirms that Petitioner completed his WFNJ/GA 28-days of employment related activities through the Department of Labor and Workforce Development ("LWD"), pursuant to N.J.A.C. 10:90-2.2(2), the Initial Decision does not correctly reflect, as a result of a typographical error within the LWD's completion letter, Petitioner's actual completion date. See Initial Decision at 5; see also Exhibit P-3. That is, the date of the LWD letter is "Monday, March 23, 2015," but the completion date on the letter is incorrectly stated to be "Monday, March 23, 2014." The actual completion date is the date of the LWD's letter, March 23, 2015. *Id.*

Here too, the record reflects that Petitioner received notice from the Agency that stated that it needed the additional documentation described within the notice from Petitioner in order for it to make its GA eligibility determination. See Initial Decision at 2; see also Exhibit P-3. However, there is nothing in the record that shows Petitioner ever received notice from the Agency that his request for WFNJ/GA benefits was denied. See Initial Decision at 4.

The ALJ concluded that since there is no evidence that Petitioner was provided with a notice of denial of his GA benefits request, the Agency did not timely process Petitioner's request and it did not provide the required notice, pursuant to N.J.A.C. 10:90-9.1. The ALJ concluded that Petitioner be granted WFNJ/GA benefits from March 23, 2014. See Initial Decision at 5. I disagree with the ALJ's conclusion as to the time frame that Petitioner may receive retroactive WFNJ/GA benefits.

As noted above, the completion date of Petitioner's WFNJ/GA 28-days of employment related activities is March 23, 2015. The regulations state, in pertinent part, that a WFNJ/GA applicant's eligibility for WFNJ/GA benefits shall not commence until the WFNJ/GA work-related activity has been completed. See N.J.A.C. 10:90-1.2(f)(8).

I hereby find the Agency is to provide Petitioner with WFNJ/GA benefits retroactive to the date he completed his WFNJ 28-day work related activity and that date is March 23, 2015. Having found that Petitioner is entitled to WFNJ/GA benefits as of the date of the completion of his WFNJ/GA work requirement, I further find that Petitioner is eligible to apply, as concluded by the ALJ, for EA benefits. See Initial Decision at 5.

Accordingly, the ALJ's Initial Decision is hereby, modified, to the extent that the completion date of Petitioner's 28 day work requirement is March 23, 2015 and not March 23, 2014. Id. Petitioner is therefore eligible to apply for EA without prejudice, and I direct the Agency to evaluate Petitioner for EA eligibility.

Accordingly, the Initial Decision is ADOPTED as MODIFIED and the Agency's action is REVERSED.

Signed Copy on File
at DFD, BARA

JUL - 2 2015

Natasha Johnson
Director