



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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

REMAND DECISION

OAL DKT. NO. HPW 336-15 Z.W.

AGENCY DKT. NO. GA418010 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") benefits in the form of retroactive utility payments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On February 17, 2015, the ALJ issued an Initial Decision which did not address the denial of WFNJ/GA benefits, found that Petitioner was eligible for EA benefits, but nevertheless held the matter in abeyance and directed the Agency to re-evaluate Petitioner's eligibility for both WFNJ/GA and EA benefits.

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 record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision and the Agency determination, and REMAND the matter to the Agency as discussed below.

A review of the record demonstrates that the Petitioner received WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits until her daughter moved out of their subsidized three-bedroom apartment unit. Initial Decision at 1-4. In mid-July 2014, the Agency requested additional information in connection with Petitioner's continuing eligibility for WFNJ/GA benefits; specifically, documentation

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of earned income for the fourth quarter of 2013 and proof of an application for Unemployment Insurance Benefits ("UIB"). Exhibits R-2, R-4. In August 2014, the Agency terminated WFNJ/GA benefits after Petitioner failed to produce the requested documentation. Initial Decision at 2; Exhibit R-2.

It appears that the Petitioner subsequently reapplied for WFNJ/GA benefits, although the exact date of that application is not apparent from the record. On November 6, 2014, Petitioner completed the required 28-day WFNJ work requirement in connection with her reapplication for WFNJ/GA benefits. Initial Decision at 2, 4; Exhibit P-1. That day, the Petitioner applied for EA in the form of back utility payments from July 2014. Initial Decision at 4.

However, successful completion of this WFNJ work requirement does not itself establish eligibility for WFNJ/GA benefits, much less EA benefits. N.J.A.C. 10:90-2.1; -6.1. Initial Decision at 6, 7. This is especially true when there is general uncertainty about whether an applicant previously exhausted his or her 60-month lifetime WFNJ limit, and if not, has any available eligibility for EA benefits. N.J.A.C. 10:90-1.1(d); -2.3; -6.2(a); -6.1. Initial Decision at 4, 6-7. Although correctly acknowledging the need for a more thorough evaluation of Petitioner's WFNJ eligibility, the ALJ nevertheless found that Petitioner was eligible for retroactive EA benefits, and for that reason the Initial Decision must be modified. Initial Decision at 7-8.

Eligibility for WFNJ cash benefits is limited to a lifetime total of 60 cumulative months for an adult individual recipient "whether the assistance was received in the WFNJ/TANF component, the WFNJ/GA component or a combination of both the WFNJ TANF/GA components of the [WFNJ] program." N.J.A.C. 10:902.3(a). Furthermore, only WFNJ benefits recipients are eligible for EA benefits. N.J.A.C.10:90-6.2(a). Initial Decision at 6; Exhibits R-4, R-5. Here, Petitioner received WFNJ/TANF and WFNJ/GA benefits over extended periods of time, the Agency concededly miscalculated the number of her exhausted WFNJ/GA benefits, and the record does not include a credible, documented explanation of Petitioner's WFNJ and EA benefit histories. Initial Decision at 1-2, 4, 6-7. On remand, the Agency should as a threshold matter determine whether and to what extent Petitioner exhausted her lifetime limit for both WFNJ and EA benefits.

Additionally, I note that the record contains no document evidence regarding a threatened or actual loss of service or imminent homelessness and no suggestion of extraordinary circumstances which would warrant payment of utilities beyond six months. N.J.A.C. 10:90-6.4(b)(1); N.J.A.C. 10:90-6.3(a)(5); -6.3(a)(1)(ii). Initial Decision at 5-7. On remand, and subject to a threshold determination of eligibility for WFNJ and EA benefits, the Agency should evaluate whether Petitioner meets the applicable criteria for EA benefits in the form of retroactive utility payments.

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Accordingly, this matter is remanded to the Agency to immediately evaluate Petitioner's eligibility for both WFNJ/GA and EA benefits based upon the above guidance.

This Initial Decision and the Agency determination are MODIFIED, and the matter is REMANDED to the Agency.

MAY 18 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director