



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

FINAL DECISION

OAL DKT. NO. HPW 03312-19 J.S.

AGENCY DKT. NO. C112201008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that he failed to comply with the mandatory WFNJ 28-day work activity, and denied Petitioner's EA benefits because he was not a WFNJ cash benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2019, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 13, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for WFNJ/GA benefits on February 7, 2019, and was to begin his mandatory WFNJ 28-day work activity on February 14, 2019, and attend a mandatory Substance Abuse Initiative ("SAI") assessment on February 19, 2019. See Initial Decision at 2; see also Exhibit R-1 at 7-15, 24-25, 31-33. Petitioner also applied for EA benefits and received immediate need shelter placement. See Initial Decision at 3; see also Exhibit R-2 at 4-7, 12, and N.J.A.C. 10:90-1.3(a). However, Petitioner failed to attend either the work activity or the SAI assessment. See Initial Decision at 2; see also Exhibit R-1 at 36-38. On March 7, 2019, the Agency denied Petitioner's WFNJ/GA benefits for failing to attend the work activity, also imposing a penalty which prohibited him from reapplying for WFNJ/GA benefits until after March 25, 2019. See Initial Decision at 3; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-1.2(f)(8), -4.1(a)(1). Also, because Petitioner was not a WFNJ benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, the Agency denied Petitioner EA benefits. See Initial Decision at 3; see also Exhibit R-2 at 2, and N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). Petitioner testified that he did not understand that the WFNJ work activity was required, or that his receipt of WFNJ/GA benefits was necessary for EA benefits eligibility, and that he left phone messages for the Agency on February 21, 2019, to explain his absences, but his calls, although acknowledged by the Agency, were never returned. See Initial Decision at 3-4; see also Exhibit R-3. At the time of the hearing, Petitioner provided a medical record showing that he visited the Emergency Room on March 3, 2019, for leg pain, which he claimed made it difficult for him to walk and attend the appointments. See Initial Decision at 4; see also Exhibit P-1.

The ALJ found that, Petitioner was notified of the work requirement, that he was given appointment reminders and bus passes to attend his work activity and SAI assessment, that he missed the appointments and that his attempts to call the Agency were made after he had already missed his appointments, and that his emergency room visit occurred after his scheduled appointments. See Initial Decision at 4-5, 7; see also Exhibit R-1 at 34-35. Additionally, the ALJ found that Petitioner was not credible, and that there was no good cause for Petitioner to miss the work activity and SAI assessment. See Initial Decision at 6-7. Based on the foregoing, the ALJ found the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. Initial Decision at 6-7; see also Exhibit R-1 at 3, and N.J.A.C.



10:90-1.2(f)(8). The ALJ also found that because Petitioner was denied WFNJ/GA benefits, he is ineligible for EA benefits, and as such, the Agency's denial of EA benefits to Petitioner was also proper and must stand. See Initial Decision at 6-7; see also Exhibit R-2 at 2, and N.J.A.C. 10:90-6.2(a). I agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

MAR 22 2019

Natasha Johnson

Director

