



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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Assistant Commissioner

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 07502-21 N.B.

AGENCY DKT. NO. C227036007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. Upon redetermination, the Agency denied Petitioner's WFNJ/GA benefits, contending that she had failed to provide documentation required to determine continued WFNJ/GA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2021, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit additional documents. Additional documents were received on October 1, 2021, and the record then closed. On October 5, 2021, the ALJ issued an Initial Decision, affirming the Agency's denial of WFNJ/GA benefits to Petitioner.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, upon redetermination of continued eligibility for WFNJ/GA benefits, the Agency required that Petitioner provide it with certain documentation. See Initial Decision at 3; see also Exhibit R-3. The ALJ found that Petitioner had provided the Agency with some, but not all, of the required documents. See Initial Decision at 3-4; see also Exhibits R-2, R-4. Specifically, the ALJ found that Petitioner had failed to provide the Agency with documentary proof of her attendance at the New Jersey Institute of Technology ("NJIT"), proof of financial support for attending NJIT, and proof of address or residence. See Initial Decision at 3-4; see also Exhibits R-7, R-8. Further, the record reflects that Petitioner had also failed to provide such documentary proofs at the time of the hearing. See Initial Decision at 4; see also Exhibits P-1 through P-6. At the time of the hearing, Petitioner raised the issue that the Agency had failed to provide notice of its denial of WFNJ/GA benefits. See Initial Decision at 2. However, the ALJ found



that Petitioner's filing of her request for a Fair Hearing on August 27, 2021, evidenced that she had been provided with notice of the Agency's determination. Id. at 4; see also Exhibit R-1, and N.J.A.C. 10:90-9.1(a), (b). Further, although Petitioner raised several other issues at the time of the hearing, the ALJ found that Petitioner had failed to provide any competent evidence concerning those issues raised, and as such, said issues were not addressed by the ALJ in the Initial Decision. See Initial Decision at 2, 4; see also Exhibits P-1 through P-6. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(5). I agree.

Finally, the ALJ found that the Agency had failed to provide any evidence regarding its denial of EA benefits to Petitioner in the form of storage, and as such, concluded that the issue could not be properly adjudicated in the Fair Hearing. See Initial Decision at 5. Nevertheless, because the ALJ in this matter has concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper, I therefore find that Petitioner is not a WFNJ benefits recipient, and does not appear from the record to be an SSI benefits recipient, and as such, Petitioner is ineligible for EA benefits. Id. at 5; see also N.J.A.C. 10:90-6.2(a). On that basis, I find that the Agency's denial of EA benefits to Petitioner was proper and must stand. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

NOV 16 2021

Natasha Johnson
Assistant Commissioner

