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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

AMENDED DECISION

OAL DKT. NO. HPW 01532-18 C.J.

AGENCY DKT. NO. C382266007 (ESSEX COUNTY DIVISION OF WELFARE)

A Final Agency Decision was rendered in this matter on April 24, 2018. This Amended Final Agency Decision is being rendered to correct an error in the conclusion contained in the last sentence of the decision.

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA and EA benefits contending that she was ineligible for WFNJ/GA benefits, and had failed to apply for WFNJ/Temporary Assistance for Needy Families ("TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 28, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner testified that her household consists of herself and a minor child, of whom she has legal guardianship. See Initial Decision at 2; see also Exhibits P-3, R-1 at 2. The minor child receives monthly Retirement Survivors Disability Insurance ("RSDI") benefits, and Petitioner was receiving WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-3. Petitioner was initially granted WFNJ/GA benefits, but upon learning that a dependent child was residing with her, the Agency determined that she was ineligible for WFNJ/GA benefits, and as such, terminated those benefits, and instructed Petitioner to apply for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit R-5. Petitioner was also granted EA benefits in the form of three months back rent, and rent for the month of December 2017, with prospective EA benefits contingent upon her applying for WFNJ/TANF benefits. Id. at 2, 4; see also Exhibits R-2, R-5. Petitioner refused to apply for WFNJ/TANF benefits, and consequently, the Agency terminated her EA benefits. See Initial Decision at 2-3; see also Exhibit R-7. However, the ALJ found that Petitioner was not properly noticed of the Agency's termination of WFNJ/GA and EA benefits, and as such, concluded that said terminations were improper and must be reversed. See Initial Decision at 4-5; see also N.J.A.C. 10:90-9.1(a), (b). Further, the ALJ ordered the Agency to provide Petitioner with WFNJ/GA benefits and EA benefits until such time as the Agency properly notices Petitioner of such terminations. Id. at 5; see also N.J.A.C. 10:90-9.1(a), (b). I agree.

Exceptions to the Initial Decision were filed by the Agency on April 11, 2018.

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.



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By way of comment, based on the fact that Petitioner is the guardian of a dependent child, and that said child resides with her, I find that Petitioner is no longer eligible for WFNJ/GA benefits and that she must file for WFNJ/TANF benefits immediately in order to be considered for prospective EA benefits eligibility. See Initial Decision at 2; see also N.J.A.C. 10:90-2.7, -6.2(a).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

APR 30 2018

Natasha Johnson
Director

