



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 10791-18 D.A.

AGENCY DKT. NO. C095484006 (CUMBERLAND COUNTY BD 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 and EA benefits because she had exhausted her lifetime limit of said benefits, because she failed to timely apply for Unemployment Insurance Benefits ("UIB"), and because she failed to provide requested information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 1, 2018, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 2, 2018, the ALJ issued an Initial Decision, affirming in part and reversing in part the Agency's determination, and remanding the matter back to the Agency.

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 the Initial Decision in this matter, AFFIRM the Agency's denial of EA benefits, and REVERSE the Agency's denial of WFNJ/GA benefits, and REMAND the WFNJ/GA issue to the Agency for reevaluation, on an expedited basis, as discussed below.

Here, the record reflects that on April 24, 2018, Petitioner applied for WFNJ/GA benefits. See Initial Decision at 2; see also GA Exhibit R-1 at 14. Although at the time Petitioner applied for said benefits she had already exhausted her time limit of WFNJ/GA benefits, her case was reviewed to determine if she was eligible for an extension to, or exemption from, the WFNJ time limit. *Ibid.*; see also N.J.A.C. 10:90-2.4, -2.5. During the course of reviewing Petitioner's application, the Agency discovered that Petitioner had been employed earlier in the year, and gave Petitioner 10 days from May 25, 2018, to provide proof of employment, and proof that she had applied for UIB. See Initial Decision at 3; see also GA Exhibit R-1 at 7, 12, 13. Petitioner did not provide the requested documentation, and on June 13, 2018, Petitioner's application for WFNJ/GA benefits was denied for failure to apply for UIB. See Initial Decision at 4; see also GA Exhibit R-1 at 2. However, Petitioner did, in fact, apply for UIB on June 17, 2018, several days after the deadline imposed by the Agency. See Initial Decision at 5, 7. Petitioner asserted, and the ALJ agreed, that pursuant to N.J.A.C. 10:90-1.12, and N.J.A.C. 10:90-2.2(a), the Agency was required to allow her 30 days to comply with the requirement to apply for UIB, not 10 days as had been required by the Agency. See Initial Decision at 7. Based on the foregoing, the ALJ reversed the Agency's decision to deny Petitioner WFNJ/GA benefits on the basis that she did not timely file for UIB, and remanded the WFNJ/GA issue to the Agency to reevaluate Petitioner for WFNJ/GA benefits. See N.J.A.C. 10:90-2.2(a)(3). I agree.

As to Petitioner's application for EA benefits, the record reflects that Petitioner had already received 20 months of EA benefits at the time she applied for said benefits in May of 2018. See Initial Decision at 5; see also EA Exhibit R-1 at



12-19, 29, and N.J.A.C. 10:90-6.4. Further, because Petitioner was not a WFNJ benefits recipient or a Supplemental Security Income ("SSI") benefits recipient, she was not eligible for EA benefits. See Initial Decision at 5; see also EA Exhibit R-1 at 21, 26, and N.J.A.C. 10:90-6.2(a). Additionally, the Agency requested that Petitioner provide a medical clearance and a statement of homelessness in order to proceed with the application, which Petitioner failed to provide. See Initial Decision at 4-5; see also EA Exhibit R-1 at 11. The Agency then denied Petitioner EA benefits for exhaustion of her lifetime limit of said benefits, for failure to provide information, and because she was ineligible as she was neither a WFNJ, nor an SSI, benefits recipient. See EA Exhibit R-1 at 2-3; see also N.J.A.C. 10:90-2.2(a), -6.1, -6.2, 6.4(a). The ALJ agreed and affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 8. Based on a review of the record, I also agree.

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 in this matter is ADOPTED, the Agency's denial of EA benefits to Petitioner is AFFIRMED, and the Agency's denial of WFNJ/GA benefits is REVERSED and REMANDED to the Agency to reassess, on an expedited basis, Petitioner's eligibility for an extension to, or exemption from, the WFNJ time limit.

Officially approved final version.

AUG 13 2018

Natasha Johnson

Director

