



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 06846-18 E.V.

AGENCY DKT. NO. C745267007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to complete the WFNJ/GA 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ application and a 30-day period of ineligibility. Ibid.

Here, the ALJ found, the record substantiates, and the Agency verified, that Petitioner completed the mandatory WFNJ 28-day work activity required for receipt of WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-1.2(f)(8). Based on the foregoing, the ALJ found Petitioner eligible for WFNJ/GA benefits, and that the Agency's denial of said benefits to Petitioner, for failure to complete the WFNJ work activity, was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1. I agree. Further, because the ALJ found Petitioner eligible for WFNJ/GA benefits, I direct the Agency to provide Petitioner with WFNJ/GA benefits retroactive to the date she completed her 28-day work activity, May 8, 2018. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-1.2(f)(8).

Also, the transmittal in this matter indicates a contested issue regarding a denial of EA benefits. However, at the time of the hearing, the ALJ found, and the Agency acknowledged, that Petitioner's application for EA benefits had not been denied, but was pending a determination of Petitioner's eligibility for WFNJ/GA benefits, and as such, was not a contested issue before the ALJ. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). Nonetheless, because the ALJ determined Petitioner eligible for WFNJ/GA benefits, I direct the Agency to evaluate Petitioner's application for EA benefits on an expedited basis.



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

Officially approved final version.

MAY 8 2018

Natasha Johnson
Director

