



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 03816-18 K.K.

AGENCY DKT. NO. C105538011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and termination of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to comply with the required 28-day work activity, and terminated Petitioner's EA benefits because she was no longer a WFNJ/GA benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 3, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for submission of documents by the Agency, and then closed on April 18, 2018.

On May 8, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for WFNJ/GA and EA benefits on January 16, 2018. See Initial Decision at 2; see also Exhibit R-1. Prior to approval for receipt of WFNJ/GA benefits, Petitioner was required to complete the mandatory 28-day work activity, unless otherwise waived from participating in said activity. See Initial Decision at 2-3; see also Exhibit P-3, R-6, and N.J.A.C. 10:90-1.2(f)(8), -4.10. Petitioner was provided with EA benefits pending approval of her WFNJ/GA application. See Initial Decision at 2. On January 26, 2018, Petitioner applied for a Family Violence Option ("FVO") Initiative seeking a waiver of the WFNJ work requirement. See Initial Decision at 3; see also Exhibit C-1, and N.J.A.C. 10:90-20.1(a). However, Petitioner failed to appear for a mandatory FVO appointment in conjunction with her request for a waiver, and no waiver was granted. See Initial Decision at 3, 6; see also Exhibit R-2. Thereafter, Petitioner failed to comply with the required WFNJ work activities. See Initial Decision at 3-4. As a result, on February 15, 2018, the Agency denied Petitioner WFNJ/GA benefits, and, effective February 28, 2018, the Agency terminated her EA benefits because she was not a WFNJ, or a Supplemental Security Income ("SSI"), benefits recipient. Ibid.; see also Exhibits R-2, R-8, and N.J.A.C. 10:90-1.2(f)(8), -6.2(a). Moreover, the record also shows that Petitioner became employed on or about January 30, 2018, and that her earned income exceeded the maximum allowable income level for receipt of WFNJ/GA benefits, thereby making her ineligible for said benefits. See Initial Decision at 4; see also Exhibit R-3, and N.J.A.C. 10:90-3.5(a). Petitioner acknowledged that she is ineligible for WFNJ/GA benefits, but that she does not want to lose her EA benefits. See Initial Decision at 4.

The ALJ found that, although there were miscommunications between the parties regarding the scheduling and attendance of the required WFNJ work activity appointments, those errors are negated by the fact that Petitioner is employed with income that exceeds the eligibility level for receipt of WFNJ/GA benefits. See Initial Decision at 4-6. The ALJ also found that, because Petitioner is ineligible for WFNJ/GA benefits, and because she is not an SSI benefits recipient, that she is also ineligible for EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-3.5(a),



-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits, and the termination of Petitioner's EA benefits, was proper and must stand. See Initial Decision at 8; see also Exhibits R-2, R-8. 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.

Natasha Johnson
Director

JUN 13 2018

