



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 00651-18 S.H.

AGENCY DKT. NO. S440878014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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 said benefits contending that he was ineligible for WFNJ/GA benefits because of a prior felony conviction and ineligible for EA benefits because he was not a WFNJ/GA benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 1, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 9, 2018, the ALJ issued an Initial Decision reversing the Agency determination.

The Agency filed Exceptions to the Initial Decision on March 26, 2018. Regretfully, of utmost importance, the Agency's Exceptions informed the Division of Family Development ("DFD") that Petitioner has passed away since the filing of this appeal. As the Director of the DFD, I find that due to Petitioner's unfortunate passing, this matter is now moot and should be DISMISSED.

By way of comment I note the following: The Agency denied WFNJ/GA and EA benefits to Petitioner based on its determination that Petitioner was convicted of drug possession with the intent to distribute. See Initial Decision at 2; see also Exhibit R-1 at 3-12, and N.J.A.C. 10:90-18.6(b)(3). However, the record reveals that Petitioner was only convicted of a third-degree felony drug possession charge. See Initial Decision at 2, 4-5; see also Exhibits P-1, P-3, and N.J.S.A. 2C:35-5B. Therefore, because Petitioner's drug possession conviction does not include an element of distribution, N.J.A.C. 10:90-18.6(a) applies to Petitioner; and thus, in order to be eligible for WFNJ/GA benefits, Petitioner would have to be enrolled in, participating in, or have completed, a Residential Substance Abuse Treatment Program ("RSATP"). See N.J.A.C. 10:90-18.6(a)(1)(ii). Also, there are "good cause" exceptions to the requirement to attend RSATP. See N.J.A.C. 10:90-18.6(c). It is unclear, from the record, however, if Petitioner had a good cause exception in this instance, and given Petitioner's passing, is now a moot issue.

Accordingly, based on the circumstances of this case, this matter is hereby DISMISSED.

Officially approved final version.

APR 10 2018

Natasha Johnson
Director



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