



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 11658-19 A.A.

AGENCY DKT. NO. C276207004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that she did not apply for Supplemental Security Income ("SSI") benefits as directed to by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 8, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development ("DFD"), 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 and hereby ADOPT the Initial Decision, and REVERSE the Agency's determination.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; disability benefits, Social Security; Retirement, Survivors and Disability Insurance; Supplemental Security Income; or Veterans' benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." See N.J.A.C. 10:90-1.12.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

Here, the record reveals that, by notice dated August 7, 2019, the Agency terminated Petitioner's WFNJ/GA benefits for failure to apply for SSI benefits. See Initial Decision at 2; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-2.2. The notice advised Petitioner that her WFNJ/GA benefits disbursement issued on August 1, 2019, would be her final disbursement. Ibid. At the hearing, Petitioner testified that she applied for SSI benefits in April of 2019, was denied SSI benefits in May of 2019, had not appealed, but had since refiled a new application in October of 2019. See Initial Decision at 2; see also Exhibits P-1, R-1 at 13. Based on the foregoing, the ALJ found that Petitioner had met the regulatory requirements by applying, and re-applying, for SSI benefits, and concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 2-3; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-2.2(a). I agree.

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



Officially approved final version.

Natasha Johnson
Assistant Commissioner

DEC 16 2019

