



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
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 08079-19 A.D.

AGENCY DKT. NO. C417956016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she failed to obtain United States (U.S.) citizenship, and terminated her EA benefits because she was no longer a WFNJ cash benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 22, 2019, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for Petitioner's counsel to submit a post hearing brief. Said brief was received on August 5, 2019, and the record then closed on that date.

On August 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, by a final "Notice of Decision" from the United States Citizenship and Immigration Services (U.S.C.I.S.), dated March 18, 2019, Petitioner was advised that her application for naturalization had been denied because she had failed the final "English speaking, reading and writing and the civics portions of the naturalization test." See Initial Decision at 2; see also Exhibit R-1. Based on that final notification, the Agency determined that Petitioner had failed to obtain U.S. citizenship, as required pursuant to applicable regulatory authority, and terminated her WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-2.3(a)(3)(ii), -2.10(a). Consequently, Petitioner's EA benefits were also terminated because she was no longer a WFNJ/GA benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). Petitioner claimed that she had failed the naturalization exam due to her medical condition, that she has since reapplied for naturalization, requesting a medical exception, and as such, that she should continue to receive WFNJ/GA and EA benefits during the pendency of that application process. See Initial Decision at 2-3; see also Exhibit P-1 at 1-3, and N.J.A.C. 10:90-2.3(a)(3)(ii). The ALJ found that, although Petitioner had met the residency requirements for citizenship, she had received a final decision from U.S.C.I.S. denying her application for naturalization, and there exists no regulatory authority set forth in N.J.A.C. 10:90-2.3 which allows for any exceptions from such denial. See Initial Decision at 4. Petitioner also claimed that she was exempt from the U.S. citizenship requirements as a domestic violence ("DV") survivor. See Initial Decision at 4; see also N.J.A.C. 10:90-4.11(a)(4). However, the ALJ found that "N.J.A.C. 10:90-4.11(a)(4) sets forth the good cause exceptions for failure to participate in WFNJ [work requirements due to DV]," and is therefore, "inapplicable herein." See Initial Decision at 4. Further, the ALJ found that the regulatory provisions for continued receipt of WFNJ/GA and EA benefits ceased upon the receipt of the final decision from U.S.C.I.S. See Initial Decision at 4; see also N.J.A.C. 10:90-2.3(a)(3)(ii). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-2.10(a), -6.2(a). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on August 9, 2019.



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, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that arguments made therein do not alter my decision in this matter. Moreover, I have reviewed the case of D.N. v. Pennsauken Municipal Welfare Agency, OAL Docket number HPW 8665-01, Final Decision issued January 28, 2002, cited in Petitioner's Exceptions, and find that the facts of that case are distinguishable from the facts in the present matter. See Exceptions at 2. Specifically, in D.N. v. Pennsauken, D.N.'s initial application for naturalization "lacked sufficient medical information to enable the INS to make an informed decision" regarding an exemption from the citizenship test requirements. See D.N. v. Pennsauken at 2. In the matter at hand, however, Petitioner previously submitted the completed Form N-648, Medical Certification for Disability Exceptions, required for such exemption from the citizenship test requirements, and said exemption was denied by U.S.C.I.S. on the basis that the completing physician made no connection between her stated conditions and her inability to comply with the English and civics testing requirements. See Exhibit R-1 at 2. Therefore, I find Petitioner's reliance on D.N. v. Pennsauken to be misplaced.

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

Officially approved final version.

SEP - 4 2019

Natasha Johnson
Director

