



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 01350-19 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 for a hearing. On March 11, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 22, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice from the United States Citizenship and Immigration Services (U.S.C.I.S.), "Form N-652" dated February 15, 2019, Petitioner was advised that she had failed her final "English ability" and "knowledge of U.S. history and government" test. See Initial Decision at 3; see also Exhibit P-1. Based on that notification, the Agency determined that Petitioner had failed to obtain U.S. citizenship, and terminated her WFNJ/GA benefits. See Initial Decision at 2-4; see also Exhibits P-1, R-2, and N.J.A.C. 10:90-2.3(a)(3)(ii). Consequently, Petitioner's EA benefits were also terminated because she was no longer a WFNJ/GA benefits recipient. See Initial Decision at 3 n. 2; see also R-2, and N.J.A.C. 10:90-6.2(a). However, the ALJ found that "Form N-652" was not a final decision by the U.S.C.I.S., and therefore, the Agency's determination that Petitioner had not obtained citizenship was premature, and moreover, was not the Agency's decision to make. See Initial Decision at 4-6; see also N.J.A.C. 10:90-2.3(a)(3)(ii), and 8 C.F.R. 336.1(a), (b). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was improper and must be reversed. See Initial Decision at 6-7; see also Exhibit R-2. 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.

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



Officially approved final version.

Natasha Johnson
Director

APR 24 2019

