



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 01599-19 K.R.

AGENCY DKT. NO. C163159015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

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 WFNJ/GA benefits contending that she failed to comply with the mandatory WFNJ 28-day work activity, and denied Petitioner EA benefits because she was not a WFNJ cash benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 5, 2019, but was adjourned to permit Petitioner to obtain counsel. On February 8, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that, Petitioner applied for WFNJ/GA benefits on December 31, 2018, that she was to begin her mandatory WFNJ 28-day work activity on January 28, 2019, and that she was to call a designated phone number if she had questions, or could not attend. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-1.2(f)(8). Petitioner testified that she failed to attend that appointed work activity, assuming that the Family Violence Option ("FVO") Risk Assessment that she had completed on December 31, 2018, had deferred her from that work requirement. See Initial Decision at 3-5; see also Exhibits R-4, R-6, and N.J.A.C. 10:90-4.10(a)(11). However, based on Petitioner's FVO assessment, which indicated that she was at "Low/No Risk of safety issues due to current domestic violence," she was not approved for a deferral from the 28-day work activity. See Initial Decision at 4-5; see also Exhibit R-6, and N.J.A.C. 10:90-4.10(a)(11). The record also reflects that Petitioner was never advised by the Agency that she was deferred from the 28-day work activity, nor does it appear that Petitioner ever inquired into whether or not she was granted such deferral. See Initial Decision at 4-5. The ALJ found that Petitioner was notified that her attendance at the work activity was required, that she failed to attend that work activity, and that her assumption that she was exempt from the work requirement was unfounded. See Initial Decision at 5-6; see also Exhibit R-3. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-5, and N.J.A.C. 10:90-1.2(f)(8). Further, the ALJ found that, because Petitioner is ineligible for WFNJ/GA benefits, she is also ineligible for EA benefits, and as such, the Agency's denial of EA benefits to Petitioner was also proper and must stand. See Initial Decision at 6; see also Exhibit R-5, and N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients). 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 AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

FEB 19 2019

