



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 05853-19 L.L.

AGENCY DKT. NO. C694232007 (ESSEX COUNTY DIVISION OF WELFARE)

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 28-day work activity requirement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2019, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 6, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on May 8, 2019.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Eligibility for WFNJ/GA cash assistance benefits for an employable applicant shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). An employable applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. Ibid.

Pursuant to N.J.A.C. 10:90-6.1(c)(3), EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause."

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner applied for WFNJ/GA benefits at the Agency on or about April 11, 2019, and was required to complete a 28-day work activity in order to be approved for WFNJ/GA benefits. See Exhibits R-2, R-3, R-6; see also N.J.A.C. 10:90-1.2(f)(8). Petitioner admitted that, on that same date, she left the Agency without first securing the required work activity appointment. See Initial Decision at 2, 4-5. Thereafter, the record indicates that the Agency attempted to contact Petitioner to assist her with the work activity process, however, Petitioner admitted that she did not answer or return the Agency's calls. Id. at 3-4. Of note, prior to, and at the time of the hearing, the Agency again attempted to resolve the matter by allowing Petitioner the opportunity to reapply for WFNJ/GA benefits and participate in the required work activity. Id. at 2-3; see also Exhibit P-1. However, Petitioner failed to cooperate in that settlement process. See Initial Decision at 2-3. Based on Petitioner's testimony and demeanor, the ALJ found



Petitioner's claim, that she was instructed to leave the April 12, 2019, meeting without first being assigned a work activity, to be incredible. See Initial Decision at 3-4. The ALJ also found that Petitioner's claims were unsubstantiated by any documentary evidence. Id. at 3. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with the mandatory WFNJ 28-day work activity, without good cause, and as such, the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. Id. at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-1.2(f)(8). I agree.

Further, the record indicates that Petitioner did not formally apply for EA benefits, however, as a denial of EA benefits was a transmitted issue, the ALJ addressed same. See Initial Decision at 2, 5-6. First, the ALJ found that Petitioner is ineligible for EA benefits as she had not formally applied for said benefits, and secondly, Petitioner was ineligible because she is not a WFNJ benefits recipient. Id. at 5-6; see also N.J.A.C. 10:90-6.2(a). Moreover, the ALJ found that Petitioner has caused her own homelessness, as she would have been eligible for WFNJ/GA, as well as, EA benefits, had she not failed to address her work activity requirement by ignoring the Agency's attempts to assist her. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(vi). I also agree.

By way of comment, because I concur with the ALJ that Petitioner has caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3)(vi). Petitioner's six-month EA ineligibility penalty shall run from April 25, 2019, the date of the Agency's denial, through October 24, 2019. See Exhibit R-1.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAY 10 2019

Natasha Johnson
Director

