



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 00245-20 A.G.

AGENCY DKT NO C655757007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner has requested a fair hearing due to the Respondent Agency's failure to comply with a Withdrawal of Appeal and Fair Hearing Request/Settlement ("Settlement") entered into by the parties on November 25, 2019. The Agency contends that it had complied with the Settlement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 24, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner claimed that in April 2019, he had applied for Work First New Jersey/General Assistance ("WFNJ/GA") benefits online and that benefits had not been paid to him. See Initial Decision at 2. The record reflects that on November 25, 2019, a fair hearing was scheduled on that matter, notwithstanding the fact that no adverse action had been taken by the Agency against Petitioner. *Ibid.* At that hearing, the parties entered into a Settlement, wherein the Agency stated that applications for WFNJ/GA benefits must be made in person at the Agency's office, not online, and that due to Petitioner's disability, the Agency would arrange for a home visit and have Petitioner execute an application at that time. *Id.* at 2-3; see also Exhibit R-1 at 1. Consequently, Petitioner withdrew his fair hearing request on November 25, 2019. *Ibid.* The home visit took place, and Petitioner executed an application for WFNJ/GA benefits on November 26, 2019. See Initial Decision at 3. Petitioner was then provided with WFNJ/GA benefits, effective that same date. *Ibid.* The record also reflects that Petitioner has a MED-1 form deferring him from participation in the mandatory WFNJ work activity. See Exhibit P-1 at 13; see also N.J.A.C. 10:90-4.1(a)(1), -4.10(a)(2).

Nevertheless, Petitioner requested this present fair hearing, contending that the Agency failed to comply with the Settlement, and that he should have received WFNJ/GA benefits retroactive to April 2019, when he claimed to have applied for said benefits online. See Initial Decision at 1. The ALJ found that Petitioner had not substantiated his claim, that he had applied for WFNJ/GA benefits online in April 2019, and that the Agency had not agreed in the Settlement to provide Petitioner with WFNJ/GA benefits retroactive to April 2019. *Id.* at 3-4; see also Exhibit R-1 at 1. Moreover, the ALJ found Petitioner's assumption that the Agency would provide him such retroactive WFNJ/GA benefits was not made



express in the Settlement, and was not held in good faith by Petitioner. See Initial Decision at 3; see also Exhibit R-1 at 1. The ALJ also found that Petitioner had understood the plain language of the Settlement, acknowledged that at no time had the Agency verbally promised him WFNJ/GA benefits retroactive to April 2019, and that he was not coerced into signing same. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's determination to provide Petitioner with WFNJ/GA benefits effective November 26, 2019, the date of his home visit and EA benefits application, was proper and must stand. Id. at 4. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, applications for WFNJ/GA benefits may be made online, but such application must be completed in person at the Agency office before any approval for such benefits may be made.

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

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

MAR - 5 2020

