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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 15407-19 R.D.

AGENCY DKT. NO. C127748004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that he failed to provide proof of a current Supplemental Security Income ("SSI") benefits application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was first heard as a denial of benefits on October 10, 2019, which action was then rescinded by the Agency, as a decision to terminate had not been made by the Agency. Thereafter, on January 16, 2020, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents to determine if the Agency's subsequent December 20, 2019, termination of Petitioner's WFNJ/GA benefits was proper. On February 5, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 REVERSE the Agency's determination, as discussed below.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

Here, the record reflects that on September 12, 2019, the Agency directed Petitioner, a WFNJ/GA benefits recipient, to apply for SSI benefits since he was disabled. See Initial Decision at 2; see also Exhibit R-1 at 6. Petitioner was given until October 31, 2019, to apply for SSI benefits, but requested a fair hearing instead. See Initial Decision at 2; see also Exhibit R-1 at 11. However, since Petitioner's WFNJ/GA benefits case was still open, and no adverse action letter had been issued, the hearing was withdrawn. See Initial Decision at 2; see also Exhibit R-1 at 12. Thereafter, Petitioner was again instructed to apply for SSI benefits, but according to the Agency, he had only provided proof that he had applied for Retirement, Survivors, and Disability Insurance ("RSDI") benefits, not SSI benefits as required. See Initial Decision at 2; see also Exhibits P-7, R-2. Consequently, the Agency terminated Petitioner's WFNJ/GA benefits by notice dated December 20, 2019, for failure to provide proof of an SSI benefits application. See Exhibit R-1 at 2-4; see also N.J.A.C. 10:90-2.2(a)(3). However, the ALJ found Petitioner and Petitioner's friend credible when they testified that Petitioner had, in fact, applied for SSI benefits in June 2019, and that proof had been provided to substantiate that testimony. See Initial Decision at 3; see also Exhibits P-1, P-2, P-7, and P-8. Specifically, Petitioner supplied a letter from the Social Security Administration ("SSA") dated September 10, 2019, confirming that Petitioner had applied for benefits. See



Exhibits P-7, R-1 at 14. Even though the letter SSA sent to Petitioner on September 10, 2019, did not specify which type of Social Security benefits Petitioner had applied for, the ALJ found that Petitioner had applied for SSI benefits on June 12, 2019, and that his application was pending on September 10, 2019. See Initial Decision at 3; see also Exhibits P-7, P-8. Further, the ALJ found that Petitioner's SSA documentation contradicted the SSA database documentation, provided by the Agency, which indicated that no application for SSI benefits had been filed with the SSA since 2018. See Initial Decision at 4; see also Exhibits P-1, P-2, P-7, P-8, and R-2. Based on the foregoing, the ALJ reversed the Agency's determination to terminate Petitioner's WFNJ/GA benefits. See Initial Decision at 4; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-2.2(a)(3). I agree.

Accordingly, the Initial Decision is hereby AFFIRMED, and the Agency's determination is REVERSED, based on the discussion above.

Officially approved final version.

MAR - 9 2020

Natasha Johnson

Assistant Commissioner

