



## DEPARTMENT OF HUMAN SERVICES

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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 2229-15 C.S.

AGENCY DKT. NO. GA293817 (SOMERSET 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 denied Petitioner WFNJ/GA benefits because she failed to attend the required monthly meeting with the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2015, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 6, 2015, the ALJ issued her Initial Decision, reversing the Agency's determination.

For purposes of accuracy and to avoid confusion, I note that it is apparent that the exhibits section of the Appendix to the Initial Decision erroneously identifies P-1 as being the Petitioner's exhibits, where they are actually Respondent's exhibits, and R-1 exhibits as being Respondent's, where they are actually Petitioner's exhibits. The reader is therefore instructed that in the discussion that follows, the exhibits will be referred to in the correct manner and not as identified in said Appendix.

Here, the Agency terminated Petitioner's WFNJ/GA benefits because she failed to appear at a required December 8, 2014 meeting. See Initial Decision at 2; see also Exhibit R-1 at 7. However, the ALJ found, based upon the credible testimony of Petitioner, that she had good cause for missing the meeting based upon the prior email communication she received from the Agency. See Initial Decision at 6; see also Exhibit P-1 at 4. The Agency scheduled a second required make-up meeting for December 15, 2014, which was missed by Petitioner because she forgot about it, but she also called the Agency the same day explaining why she missed it and

requested that the Agency reschedule it. See Initial Decision at 2; see also Exhibit P-1 at 4-5. The Agency denied Petitioner's request. See Exhibit P-1 at 4.

The ALJ found that based on the fact that the December 8, 2014, required meeting could not be counted against Petitioner, as well as her past medical history, which was corroborated by her completed MED-1, dated January 2, 2015, the Agency inappropriately terminated Petitioner's EA benefits as of January 1, 2015. See Initial Decision at 7; see Exhibit P-1 at 5-7. Additionally, the ALJ noted that the Agency's representative testified that she could not explain why Petitioner did not continue to receive WFNJ/GA benefits during the pendency of the matter in light of the fact that the appeal had been timely filed by Petitioner. See Initial Decision at 5; see also Exhibit R-1 at 4. The ALJ concluded that Petitioner was entitled to continue to receive WFNJ/GA benefits during the pendency of the matter and ordered that the Agency's determination be reversed. See Initial Decision at 7.

No Exceptions to this Initial Decision were filed.

By way of comment, there being nothing in the record to refute that Petitioner timely filed her appeal, she is entitled to a retroactive reimbursement of her WFNJ/GA benefits for the months during the pendency of a final decision in the matter. See Initial Decision at 2, 7. Therefore, I hereby find that Petitioner was and is entitled to reimbursement of WFNJ/GA benefits for the months of December, January and February, 2015. See N.J.A.C. 10:90-9.10(d)(1); see also DFDI 12-05-02 (Stating that "EA shall continue unaltered until the fair hearing is held and a final decision is rendered by the Director of DFD.")

By way of further comment, the record delineates that the adverse action notice terminating Petitioner's WFNJ/GA benefits was issued on December 22, 2014 and that Petitioner made her fair-hearing request three-days later, specifically on December 30, 2014. See Initial Decision at 3; see also Exhibit R-1 at 1-2, 4. Although not part of the record in the matter, the Division of Family Development, Bureau of Administrative Review and Appeals ("BARA") first received Petitioner's fair-hearing request information on February 4, 2015. Therefore, the Agency is reminded, especially given the length of the time delay in the instant matter, of its obligation to have provided BARA with the required information related to Petitioner's fair-hearing request by telephone or fax on the same day it was requested by Petitioner. See N.J.A.C. 10:90-9.5(a)(1)&(2).

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 in this matter.

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

JUN 10 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director