



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 86-15 H.M.

AGENCY DKT. NO. GA50052 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's delayed determination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 3, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

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

It is anticipated the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). If the Agency does not timely determine an application, through no fault of the applicant, than the Agency shall act on the application in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3(a)(1). N.J.A.C. 10:90-1.4(a). "Immediate need" means that an assistance unit appearing to meet all other WFNJ program eligibility requirements "lacks shelter or is at imminent risk of losing shelter, essential utilities,

or has no food or insufficient food for unit members' immediate needs, or lacks minimal clothing to protect their health and safety. In those situations where no other appropriate services are available to meet the needs of the assistance unit, a cash assistance benefit shall be provided but shall not exceed the amount of the cash assistance payment level for the appropriate eligible assistance unit size for that period." Ibid. Stated otherwise, the failure of the Agency to act promptly and timely is not itself a basis to deny or delay the issuance of WFNJ benefits. N.J.A.C. 10:90-1.5(a).

On September 2, 2014, Petitioner applied for WFNJ/GA benefits, and completed 28 days of an employment-related activity through the New Jersey Department of Labor and Workforce Development ("LWD") on November 6, 2014. See Initial Decision at 2; see also N.J.A.C. 10:90-1.5(a)(1). Further, the ALJ found that there was nothing in the record to indicate that the Agency required any additional information to determine eligibility, nor was Petitioner notified by the Agency of any deficiency in his application. See Initial Decision at 2. Accordingly, I find that there is sufficient credible evidence to support the ALJ's findings that Petitioner had submitted all necessary paperwork and the Agency's delay in processing the application was unwarranted.

Based on the foregoing, I concur with the ALJ, that Petitioner is eligible for retroactive WFNJ/GA benefits; however, such retroactive eligibility relates, not to the date of Petitioner's application, as stated by the ALJ, but rather to the date he completed his WFNJ work requirement. N.J.A.C. 10:90-1.2(f)(8). Therefore, I modify the Initial Decision to the extent it directs the Agency to grant WFNJ/GA benefits retroactive to November 6, 2014, the date he completed his twenty-eight day work activity.

Accordingly, the Initial Decision is MODIFIED and the Agency's action is REVERSED.

*Signed Copy on File*  
at DFD, BARA

**MAR 26 2015**

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Jeanette Page-Hawkins  
Director