State of New Jersey
TMENT OF HUMAN SERVICES
SION 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 2041-17 M.W.

AGENCY DKT. NO. S411171 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that Petitioner's resources put her over the eligibility level for those benefits, and terminated Petitioner's EA benefits contending that she was not homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 7, 2017, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was closed on March 17, 2017, following written submissions by Petitioner.

On April 4, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner owns an 11% interest in real property currently assessed for $411,000, and on the market for sale at $299,000. See Initial Decision at 3; see also Exhibits R-1 at 15, R-5, and "Home Details" document. Additionally, the ALJ found that Petitioner has been receiving WFNJ cash benefits, and EA benefits, on and off, since 2003, and at no time, on any application for benefits or upon any redetermination for continued WFNJ benefits, did Petitioner advise the Agency of that housing resource. See Initial Decision at 3; see also Exhibits R-6 through R-12, and N.J.A.C. 10:90-3.10(b). Further, the ALJ found that even if Petitioner's interest in the house was not able to be liquidated, or even if she was unable to reside there as she contended, Petitioner was still obligated to disclose that resource for WFNJ eligibility purposes, and she needed to

obtain a possible waiver of that resource. See Initial Decision at 3-4; see also N.J.A.C. 10:90-3.10(a), (b), (c). Based on the foregoing, the ALJ concluded that the Agency properly terminated Petitioner's WFNJ/GA benefits and EA benefits. See Initial Decision at 4; see also Exhibits R-2 and R-3. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on April 12, 2017, and May 5, 2017.

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.

By way of comment, Petitioner may reapply for WFNJ/GA and EA benefits, and she must provide the Agency with all necessary documentation needed to determine her eligibility for same, including information pertaining to her income and resources. See N.J.A.C. 10:90-2.2(a)(4), (5).

By way of further comment, I take official notice of the fact that Petitioner had a prior hearing scheduled for November 22, 2016, OAL Docket Number HPW 16533-16, regarding the termination of her EA benefits. That prior hearing was postponed to March 7, 2017, was consolidated with OAL Docket Number HPW 02041-17, and was heard and decided here.

Also by way of comment, I have reviewed both Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File
at DFD, BARA MAY 2 6 2017

Natasha Johnson
Director