



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

REMAND DECISION

OAL DKT. NO. HPW 13272-14 F.A.

AGENCY DKT. NO. GA571068 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, as well as Emergency Assistance ("EA") benefits in the form of shelter or temporary rental assistance. The Agency denied Petitioner's application due to unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 21, 2014, the ALJ issued her Initial Decision, which through her analysis, would appear to be reversing the Agency's determination in regards to the granting of EA. The ALJ noted that Petitioner received Social Security Administration ("SSA") monthly benefits. See Initial Decision at 4. The ALJ also noted that the Agency granted Petitioner EA based upon immediate need at a local shelter. Ibid. The ALJ further stated that Petitioner's SSA benefits appear to have been mailed to Puerto Rico, and due to a language barrier issue, Petitioner has been "unsuccessful in straightening out his situation ... with [SSA]." The ALJ directed that the Agency "immediately assist Petitioner by assigning bi-lingual personnel to go with him to SSA or by identifying legal services personnel that will assist Petitioner with re-establishing his SSA benefits and applying for [Supplemental Security Income] and Social Security benefits." See Initial Decision at 6. The ALJ further ordered that the Agency re-assess Petitioner for available EA if the issues with the SSA were not resolved by October 31, 2014, based upon the conclusion that Petitioner will be facing imminent homelessness when the EA is retracted. Ibid.

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No exceptions to the Initial Decision were filed.

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 hereby MODIFY the Initial Decision.

The ALJ did not address the denial of WFNJ/GA benefits in the Initial Decision, but it is clear, based upon the record presented, that Petitioner is not presently eligible to receive EA benefits due to unearned income, specifically the SSA benefits. See Exhibit R-1. Therefore, I find that the Agency's determination as to WFNJ/GA benefits is affirmed.

The issue pertaining to where the Petitioner's SSA benefits are being sent, and if they are still being issued, is an issue to be resolved between Petitioner and the SSA. The Agency is to provide Petitioner with the address of local legal services which will be able to appropriately assist Petitioner. If Petitioner has, since the date of the hearing before the ALJ, applied for Supplemental Security Income, then he may be eligible to receive EA benefits. Therefore, I am remanding the matter back to the Agency to re-evaluate Petitioner's present status for receipt of EA benefits.

Accordingly, the Initial Decision is hereby MODIFIED and REMANDED back to the Agency as outlined above.

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director