



State of New Jersey

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 6670-14 J.H.

AGENCY DKT. NO. GA382361 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's application for WFNJ/GA benefits because he did not provide a letter from his last employer stating the reason for his termination from employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2014 the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was closed on June 17, 2014. On July 24, 2014, the ALJ issued her Initial Decision reversing the Agency determination.

No exceptions were filed to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision.

The ALJ found that the Petitioner's former employer would not provide Petitioner with a letter stating why he was no longer employed and that Petitioner made several unsuccessful attempts to obtain the required employment information. Initial Decision at 2, 3. Petitioner provided the Agency with his former employer's address and telephone fax number and requested that the Agency assist him in obtaining his

employment information. Initial Decision at 3. However, at the hearing, it was determined that the Agency had not written to the employer to request employment information on behalf of the Petitioner. Initial Decision at 4.

In order to be found eligible for WFNJ/GA benefits, the applicant must provide all necessary documentation requested by the Agency. N.J.A.C. 10:90-1.6(a). However, the Agency has an obligation to assist an applicant in obtaining verification documentation whenever necessary. N.J.A.C. 10:90-1.6(f). Thus, the ALJ properly determined that the Agency is required to assist the Petitioner in obtaining the employment letter necessary to complete his application for WFNJ/GA benefits.

Consequently, the ALJ held that the denial of the Petitioner's application for WFNJ/GA benefits should be held in abeyance until such time as the Agency contacts the employer and has attempted to obtain Petitioner's employment information. I disagree. The Petitioner has made every effort to obtain the employer letter. The Agency, in contrast, has not fulfilled its obligation to help him obtain the documentation necessary to complete his application, despite Petitioner's repeated requests for assistance. Therefore, Petitioner is eligible to receive WFNJ/GA benefits immediately retroactive to the day that he completed his 28 day work requirement as required by N.J.A.C. 10:90-4.1(a)(1).

It should be noted that N.J.A.C. 10:90-3.21(a)(1) authorizes the recoupment of an overpayment of benefits paid to an assistance unit, regardless of fault, should it later be determined that the assistance unit was ineligible for such benefits. If the Agency should obtain a letter from the Petitioner's employer stating circumstances causing him to be deemed ineligible for benefits, the Agency has recourse under the provisions of N.J.A.C. 10:90-3.2(a)(1) to reclaim any benefits that have been paid.

Accordingly, the Initial Decision in the action is hereby MODIFIED and the Agency action is REVERSED.



Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director