



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 11175-14 R.P.

AGENCY DKT. NO. GA412412 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial and/or failure to determine successive applications for Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 9, 2014, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On September 10, 2014, the ALJ issued an Initial Decision which in material part reversed the Agency determination(s) and found Petitioner eligible for WFNJ/GA and EA effective May 12, 2014.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby MODIFY the Initial Decision and AFFIRM the first Agency determination.

Petitioner receives Medicaid and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

Petitioner is the primary source of eligibility information and is responsible to provide all documentation required to establish eligibility for assistance. N.J.A.C. 10:90-1.6(a); -2.2(a)(5). "Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program requirements without good cause shall render some or all of the assistance unit ineligible for WFNJ benefits." N.J.A.C. 10:90-2.2(d).

On May 12, 2014, Petitioner applied for WFNJ/GA, SNAP and EA in the form of TRA.

Later that month, the Agency referred Petitioner for 28 days of work activity through the New Jersey Department of Labor and Workforce Development ("LWD"). N.J.A.C. 10:90-2.2(a)(2).

On June 11, 2014, and before Petitioner completed his WFNJ work activity with LWD, the Agency denied WFNJ/GA based upon Petitioner's failure to timely submit documentation he was no longer an ineligible college student. N.J.A.C. 10:90-1.6(a); -2.2(a)(5); -2.2(d). Parenthetically, the Agency incorrectly also relied upon N.J.A.C. 10:90-2.11(b)(3) which has been superseded by the 2013 Appropriations Act, P.L. 2012, c.18 ("Act"), effective July 1, 2012, and which in material part states that college students are ineligible for WFNJ/GA.

There is sufficient credible evidence to support the denial of WFNJ/GA. Petitioner received a paralegal certificate from a county college on May 30, 2014, did not produce certified transcripts until at least three weeks after the adverse Agency determination and did not establish good cause for his failure to do so.

Petitioner was therefore appropriately required to re-apply for WFNJ cash benefits, which I assume he did sometime this past summer. Petitioner was not subject to a one-month period of ineligibility because he completed his WFNJ work activity with LWD on June 26, 2014, but was properly required to repeat the activity after he reapplied for WFNJ/GA. N.J.A.C. 10:90-1.2(f)(8).

Nevertheless, there is no explanation why the Agency decided WFNJ/GA eligibility in connection with the August 2014 determination letter. N.J.A.C. 10:90-1.5. In particular, I note a portion of the letter suggesting the Agency had approved WFNJ/GA is redacted. In addition, the letter does not reflect that the Agency had not determined Petitioner's application for WFNJ/GA pending additional information or completion of the second WFNJ work activity with LWD. See N.J.A.C. 10:90-1.4(a). Moreover, it is unclear why Petitioner had apparently not completed the second WFNJ work activity with LWD at the time of the OAL hearing on September 9, 2014.

Under the circumstances and in the absence of any evidence to the contrary, I find Petitioner is eligible for WFNJ/GA effective upon his completion of the second WFNJ work activity with LWD. N.J.A.C. 10:90-1.2(f)(8).

In addition, I find Petitioner is eligible for EA, consistent with the foregoing determination of cash benefit eligibility, subject to applicable regulations governing EA, and importantly, in a form determined by the Agency. N.J.A.C. 10:90-6.2; -6.3(a)(1). Having failed to present any evidence or explanation to support its adverse determination, the Agency may nevertheless not deny EA because Petitioner failed to "plan for shelter expenses while enrolled in [county college]. May, 2014 (sic) rent must be paid by client and provide receipt of such payment to the Agency."

The Agency's failure to assemble relevant records and present credible testimony by individuals with knowledge of Petitioner's case complicated administrative review of the Agency's actions and compounded the adverse impact of its apparent inaction.

N.J.A.C. 10:90-9.5(a)(4); -9.12; 1:1-15.8(c). As necessary, the Agency must be prepared to fully explain and appropriately document its actions in furtherance of this decision.

For the foregoing reasons, I MODIFY the Initial Decision and AFFIRM the first Agency determination.

OCT - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director