



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 11267-14 S.W.

AGENCY DKT. NO. GA417709 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for both Work First New Jersey/General Assistance and Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for WFNJ/GA benefits due to a failure to provide requested information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 10, 2014, the Honorable Tiffany Williams, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On September 10, 2014, the ALJ issued her Initial Decision, reversing the Agency's determination. At the hearing, the Agency acknowledged that it had received verification that Petitioner was ineligible for unemployment benefits, but had not received a letter from Petitioner's former employer as to the reason for Petitioner's termination. See Initial Decision at 2. The Agency further verified that Petitioner had completed the 28 day work period. Ibid. Petitioner asserted that she had brought the employer verification letter to the agency several times. Ibid. Petitioner further claimed that her two children are in the care of the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, and that her family was not unified as a result of her not having housing. Ibid. Based upon the testimony presented, and noting that the benefits denials stemmed from a June 2014 application, the ALJ ordered that Petitioner be provided benefits. See id. at 4.

No Exceptions to the Initial Decision were filed.

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As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby AFFIRM the Initial Decision in part, and REJECT in part, and REMAND the matter to the Agency for further evaluation.

Based upon the record presented, I concur with the ALJ that Petitioner is to be provided with WFNJ/GA benefits. However, I disagree with the ALJ's determination that Petitioner is definitively eligible for EA benefits. Because receipt of EA benefits is first predicated on WFNJ eligibility, it is unclear whether Petitioner's application for EA benefits was fully evaluated for eligibility in its own right and there is nothing in the record to support that such an evaluation was conducted by the Agency. It is also unclear from the record if Petitioner had previously received benefits from the Agency, as either a Work First New Jersey/General Assistance or Work First New Jersey/Temporary Assistance for Needy Families benefits recipient, and if Petitioner had possibly received EA benefits on a prior occasion, which could possibly affect Petitioner's potential eligibility for EA benefits.

Based upon the foregoing, I am remanding this matter back to the Agency to fully evaluate and consider Petitioner's EA application for eligibility.

As it appears from the record that Petitioner's children are presently in the care of DCP&P, a copy of the Initial and Final Decisions shall be forwarded to that Agency.

Accordingly, I AFFIRM the Initial Decision in part as to Petitioner's WFNJ/GA eligibility, and REJECT the Initial Decision in part and REMAND to the Agency to fully consider and evaluate Petitioner's EA eligibility.

SEP 18 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director