



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

NATASHA JOHNSON
Director

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 14299-18 M.B.

AGENCY DKT. NO. C456663007 (ESSEX COUNTY DIVISION OF WELFARE)

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 he failed to comply with the Supportive Assistance for Individuals and Families ("SAIF") Program, and terminated Petitioner's EA benefits because he was no longer a WFNJ cash benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 2, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on October 2, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the ALJ found that the Agency failed to meet its burden of proof when it did not provide specific evidence to substantiate that Petitioner had failed to comply with SAIF, and therefore, that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was improper and must be reversed. See Initial Decision at 3-4; see also Exhibits P-1, P-2, and R-1 at 1-7, 15, 17, 18, 20, 23-25, and N.J.A.C. 1:1-2.1, -15.5. I agree. Moreover, I find that the Agency has failed to provide evidence that it properly noticed Petitioner of a termination of WFNJ/GA benefits as required pursuant to N.J.A.C. 10:90-9.1(a), (b).

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal agency representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version.

OCT 11 2010

Natasha Johnson
Director

