



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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*Assistant Commissioner*

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 13397-19 A.D.

AGENCY DKT. NO. C708413007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that she failed to comply with the required WFNJ 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 26, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 26, 2019, the ALJ issued an Initial Decision, reversing a denial of Emergency Assistance ("EA") benefits to Petitioner, which was not a transmitted issue.

Exceptions to the Initial Decision were filed by the Agency on September 26, 2019, and by Legal Services, on behalf of Petitioner, on September 27, 2019.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 1:1-3.2(a), "The [OAL] shall acquire jurisdiction over a matter only after it has been determined to be a contested case by an agency head and has been filed with the [OAL] or as otherwise authorized by law[.]" Further, "The [OAL] shall not receive, hear or consider any pleadings, motion papers, or documents of any kind relating to any matter until it has acquired jurisdiction over that matter[.]" Ibid.

With respect to DFD fair hearings, the Bureau of Administrative Review and Appeals ("BARA") is delegated the responsibility to determine if a matter is a contested case, and the issues to be heard during a fair hearing. See N.J.A.C. 10:90-9.9(e).

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). "An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility." Ibid.



Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that the only issue transmitted to the OAL for a fair hearing in this case was the Agency's denial of WFNJ/GA benefits to Petitioner for failure to comply with the required WFNJ 28-day work activity. See "Notification Form" dated August 28, 2019. BARA had determined that a denial of EA benefits was not a contested issue, and as such, had not been transmitted to the OAL for consideration at the fair hearing. See "DFD Letter" dated September 18, 2019. Of note, there has not been a denial of EA benefits to date, as Petitioner has not met the requisite requirement of WFNJ/GA eligibility. See N.J.A.C. 10:90-6.2(a). Nevertheless, the ALJ made findings of fact and conclusions of law based on a purported denial of EA benefits, alone. See Initial Decision at 1-4. Therefore, I find that the ALJ lacked the proper jurisdiction to consider the question of a purported denial of EA benefits during this proceeding, and as such, I reject the ALJ's Initial Decision. *Ibid.*; see also N.J.A.C. 1:1-3.2(a) and N.J.A.C. 10:90-9.9(e).

Further, based on an independent review of the record, I make the following findings regarding the Agency's denial of WFNJ/GA benefits to Petitioner. The record reflects that Petitioner was initially scheduled to begin her required WFNJ 28-day work activity on August 2, 2019, and that she had failed to appear for said work activity until August 30, 2019. See "Case Management Referral" dated August 1, 2019, and "Customer Activity List" dated September 19, 2019. Consequently, by notice dated August 28, 2019, the Agency had denied WFNJ/GA benefits to Petitioner, effective September 3, 2019, because she had failed to comply with the required WFNJ 28-day protocol. See "Notification Form" dated August 28, 2019. It appears from the record that Petitioner was given another opportunity to complete the required work activity, however, the record also reflects that as of September 19, 2019, Petitioner had not participated in said work activity since August 30, 2019. See "Customer Activity List" dated September 19, 2019. Moreover, at the time of the hearing, the ALJ found that Petitioner had not yet completed the required work activity. See Initial Decision at 3. Although Petitioner claimed that she would be completing the work activity requirement by September 27, 2019, she has failed to provide any documentation to substantiate that claim. Based on the foregoing, I find that Petitioner failed to comply with the required WFNJ 28-day work activity, and that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. See "Notification Form" dated August 28, 2019, and N.J.A.C. 10:90-1.2(f)(8). Additionally, I find that because Petitioner is not a WFNJ, nor an SSI benefits recipient, she is ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

*OCT - 9 2019*

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Natasha Johnson

Assistant Commissioner

