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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 08963-19 F.O.

AGENCY DKT. NO. C245875020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because he failed to comply with the WFNJ 28-day protocol, and denied Petitioner EA benefits because he was not a WFNJ cash benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 8, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 9, 2019, 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 hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

For employable WFNJ/GA applicants, "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). Also, "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.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." Further, in relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the cessation of immediate need assistance is not appealable.



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

Here, it appears from the record that Petitioner applied for WFNJ/GA and EA benefits on or about June 5, 2019, and was provided shelter placement on an immediate need basis. See Initial Decision at 2; see also N.J.A.C. 10:90-1.3(a)(1). It also appears from the record that Petitioner's WFNJ/GA benefits application remained open because the Agency was awaiting documentation that he had completed his WFNJ 28-day protocol. See Initial Decision at 2. The record reflects that Petitioner did not complete the WFNJ 28-day protocol, as he missed a scheduled appointment on June 19, 2019. *Id.* at 3. Thereafter, on July 1, 2019, Petitioner's application for EA benefits was denied, because Petitioner was neither a WFNJ nor an SSI benefits recipient. See Initial Decision at 2; see also Exhibit R-1. However, there is no evidence in the record that Petitioner was properly noticed of a denial of WFNJ/GA benefits, based on his failure to complete the WFNJ 28-day protocol. See Initial Decision at 4; see also N.J.A.C. 10:90-9.1. Additionally, the ALJ found Petitioner's testimony credible with regard to his reasoning for failing to complete the WFNJ 28-day protocol, thereby establishing good cause for said failure. See Initial Decision at 4. Moreover, the ALJ found Petitioner's testimony also credible when stating that he had not received notification of the Agency's denial of WFNJ/GA benefits for failure to complete the WFNJ 28-day protocol, a fact that was supported by the Agency's representative at the hearing, who could not locate a copy of such a notice in the Agency's case file. See Initial Decision at 4. As such, because Petitioner had not received proper notice of the denial of WFNJ/GA benefits, and because the denial of EA benefits was based on Petitioner not being a WFNJ cash recipient, nor an SSI benefits recipient, the ALJ found that the Agency's denial of WFNJ/GA and EA benefits was improper and must be reversed. See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-9.1(a), (b). I agree.

By way of comment, the Agency is directed to process Petitioner's WFNJ/GA benefits application on an expedited basis, and to provide Petitioner with immediate need housing assistance. See N.J.A.C. 10:90-1.3(a)(2). Further, if Petitioner is found to be eligible for WFNJ/GA benefits, the Agency is directed to evaluate Petitioner for EA benefits on an expedited basis as well. Petitioner is without prejudice to request another fair hearing should the Agency deny him WFNJ/GA and/or EA benefits.

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

Officially approved final version.

Natasha Johnson
Director

JUL 15 2019

