



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 07540-19 F.W.

AGENCY DKT. NO. C383822007 (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 both she and her boyfriend ("C.T.") had failed to comply with the required WFNJ 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 20, 2019, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open, at the request of the Agency, in order to provide it time to search for missing documents, and the record then closed on June 24, 2019.

On June 27, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, by notice dated March 29, 2019, the Agency denied Petitioner and C.T. WFNJ/GA benefits, claiming that C.T. had failed to complete his required WFNJ 28-day work activity. See Initial Decision at 2, 4; see also "Notification Form" dated March 29 2019, and N.J.A.C. 10:90-1.2(f)(8). The record also reflects that after its March 2019, denial of WFNJ/GA benefits to Petitioner and C.T., the Agency required that they reapply for said benefits, which they did, and complete another 28-day work activity. See Initial Decision at 2; see also "Referrals to DEDTE One Stop Career Center" dated April 29 2019, and "Application and Affidavit for Work First New Jersey." By notice dated June 4, 2019, the Agency again denied WFNJ/GA benefits to Petitioner and C.T. on the basis that they had both failed to complete the required work activity. See Initial Decision at 3; see also "Notification Form" dated June 4, 2019. However, based on the credible testimony of Petitioner and C.T., the ALJ found that both Petitioner and C.T. had completed their required WFNJ 28-day work activity in March 2019, and had provided proof of same to the Agency. See Initial Decision at 2, 4. The ALJ also found that after the Agency's March 2019, denial of WFNJ/GA benefits, and prior to its June 2019, denial, Petitioner and C.T. had credibly testified that on several occasions they had attempted to contact the Agency to discuss issues surrounding the completion of their required work activity, but the Agency failed to respond. *Id.* at 2-4. Moreover, the ALJ found that the representative attending the hearing on behalf of the Agency had no personal knowledge of the interactions between Petitioner, C.T. and the Agency regarding this matter, and as such, found that the Agency failed to demonstrate, by a preponderance of the evidence, that its denial of WFNJ/GA benefits to Petitioner and C.T. was warranted. *Id.* at 2-4; see also N.J.A.C. 1:1-15.5(a), (b). Based on



the foregoing, the ALJ concluded that Petitioner and C.T. are eligible for WFNJ/GA benefits retroactive to April 2019, and that the Agency's denial of said benefits was improper and must be reversed. See Initial Decision at at 4-5; see also "Notification Form" dated June 4, 2019, and N.J.A.C. 10:90-1.2(f) (8). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

Natasha Johnson
Director

JUL 31 2019

