



State of New Jersey

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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 04294-19 J.C.

AGENCY DKT. NO. C174006013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

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 her resources exceeded the eligibility limit for such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2019, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 27, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner owns jointly held real property (her primary residence) with her husband, that she has been separated from her husband since 2011, and that in December 2018, she temporarily left that property to go live with her mother due to utilities shutoff, and that she continues to reside with her mother. See Initial Decision at 2-3; see also Exhibit P-2. Subsequently, Petitioner's estranged husband moved back into the residence, and has stated that Petitioner is no longer welcome in the home. *Id.* at 3; see also Exhibit P-3. The Agency claimed that during Petitioner's interview for WFNJ/GA benefits she did not express a desire to return to her home, since her estranged husband currently resides there, thereby making her absence from the home permanent. See Initial Decision at 3. Based on the foregoing, the Agency determined that Petitioner's real property was a countable resource, and as such, found Petitioner ineligible for WFNJ/GA benefits because her resources exceeded the eligibility limit for receipt of such benefits. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-3.1(a), -3.10. However, the ALJ found that the Agency had failed to provide any evidence to establish that Petitioner's absence from her marital home was permanent, and therefore, pursuant to regulatory authority, Petitioner's real property remains exempt for purposes of determining Petitioner's eligibility for WFNJ/GA benefits until such time as she has been absent from her home for an entire eight months. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.20(a)(5). Accordingly, the ALJ concluded that Petitioner, as an assistance unit of one, is eligible for WFNJ/GA benefits, and that the Agency's February 15, 2019, denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit P-1. 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.

By way of comment, since the record indicates that Petitioner has continued to reside with her mother since December 2018, Petitioner is advised that if she does not return to her jointly owned property by August 2019, said property will no longer be an exempt resource for purposes of WFNJ/GA benefits eligibility. See Initial Decision at 2; see also N.J.A.C. 10:90-3.20(a)(5).

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

Officially approved final version.

Natasha Johnson
Director

AUG - 1 2019

