



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 18343-18 N.S.

AGENCY DKT. NO. C306910007 (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 he was being supported by others. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner to submit documentation regarding how certain bills were paid, and the record closed on January 28, 2019, upon receipt of said documents.

On January 28, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on the testimony and documentation provided, the ALJ found that the financial assistance Petitioner had received from friends, for rent and utilities, was made in the form of direct payments to Petitioner's landlord and utility company, and as such, are considered third-party payments, and exempt as countable income for purposes of WFNJ/GA benefits eligibility. See Initial Decision at 2-4; see also Exhibits J-1, J-2, P-1, P-2, and P-3, and N.J.A.C. 10:90-3.1(a), (b), -3.19(a) (10). Moreover, the ALJ found that Petitioner had been found eligible for Supplemental Nutrition Assistance Program ("SNAP") benefits based on Petitioner's same documented income. See Initial Decision at 4. Further, Petitioner's friends testified that they are no longer able to assist him financially due to their own financial difficulties. See Initial Decision at 2-3; see also Exhibit J-3. Accordingly, the ALJ concluded that Petitioner is eligible for WFNJ/GA benefits, that the Agency's denial of said benefits to Petitioner was improper, and ordered the Agency to provide Petitioner with WFNJ/GA benefits retroactive to the date of his application for same. See Initial Decision at 5-6; see also Exhibit R-1 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.

By way of comment, as Petitioner's rent is currently in arrears, the Agency is directed to evaluate his eligibility for Emergency Assistance benefits on an expedited basis. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1 et seq.

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



Officially approved final version.

MAR 01 2019

Natasha Johnson
Director

