



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03846-19 R.F.

AGENCY DKT. NO. C161806003 (BURLINGTON COUNTY BD. 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 apply for Unemployment Insurance Benefits ("UIB"), and denied EA benefits because Petitioner was not a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 25, 2019, the Honorable Lisa James-Beavers, Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 26, 2019, the CALJ issued an Initial Decision affirming the Agency's determination. Here, Petitioner applied for WFNJ/GA and EA benefits on February 4, 2019. See Initial Decision at 3. As Petitioner appeared eligible for said benefits, he was granted immediate need assistance in the form of motel placement, and provided with a list of items that he needed to provide to the Agency to establish eligibility for WFNJ benefits. *Ibid.*; see also Exhibit R-1. One of the items on the list required that Petitioner apply for UIB; however, Petitioner did not do so in a timely manner. *Ibid.*; see also Exhibits R-2 through R-4. Based on Petitioner's failure to provide proof that he had applied for UIB, the Agency denied him WFNJ/GA benefits, as well as EA benefits, due to the fact that he was not eligible for EA benefits because he was not a WFNJ benefits recipient. See Initial Decision at 3-4; see also N.J.A.C. 10:90-2.2(a)(3), -6.2(a). As Petitioner was determined ineligible for WFNJ/GA and EA benefits, Petitioner's immediate need motel placement was terminated on March 8, 2019. See Initial Decision at 4. While Petitioner testified that he had applied for UIB in a timely manner, the record reveals that Petitioner, in fact, did not apply until March 9, 2019. See Initial Decision at 4; see also Exhibits R-2 through R-4. Subsequently, Petitioner was granted WFNJ/GA benefits, and although the Agency advised Petitioner to reapply for EA benefits, Petitioner refused to do so. See Initial Decision at 4-5. Based on the foregoing, the CALJ found that the Agency's denial of WFNJ/GA and EA benefits was proper and must stand, and further, since Petitioner was now receiving WFNJ/GA benefits, he must reapply for EA benefits. *Id.* at 5; see also N.J.A.C. 10:90-2.2(a)(3), -6.2(a). I agree.

No Exceptions to the Initial Decision were filed.



As the Director of the Division of Family Development, Department of Human Services, I have reviewed the CALJ's Initial Decision and the record, and I ADOPT the CALJ's Initial Decision and AFFIRM the Agency's determination.

By way of comment, as indicated by the CALJ, Petitioner is advised to reapply for EA benefits, if he has not already done so, and is directed to immediately provide the Agency with any and all documentation required to process his EA benefits reapplication. The Agency is directed to process Petitioner's EA benefits reapplication on an expedited basis. Further, Petitioner is without prejudice to request another fair hearing should the Agency deny him EA benefits following his reapplication.

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

Officially approved final version.

MAR 28 2019

Natasha Johnson
Director

