



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 01460-19 T.W.

AGENCY DKT. NO. C076764014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits from August 28, 2018, through October 31, 2018. The Agency denied Petitioner WFNJ/GA benefits because Petitioner had mistakenly applied for WFNJ/Temporary Assistance for Needy Families ("TANF") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for receipt of additional Agency documents requested by the ALJ, and then closed on February 28, 2019. On March 8, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 19, 2019.

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 I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as outlined below.

Here, the ALJ found that, at the time Petitioner applied for WFNJ benefits, on August 29, 2018, the Agency mistakenly determined that Petitioner was applying for WFNJ/TANF benefits, and denied said benefits because she could not prove custody of her child, when the Agency should have processed her application for WFNJ/GA benefits eligibility instead. See Initial Decision at 2, 4; see also Exhibit R-2 at "Application and Affidavit" dated August 29, 2018. Further, the ALJ found that, had the Agency processed Petitioner's application for WFNJ/GA benefits on August 29, 2018, Petitioner would have had the opportunity to complete the required 28-day work activity, or in the alternative, could have timely provided the Agency with a MED-1 form, which would have deferred Petitioner from the required work activity. See Initial Decision at 3-4. Of note, the record reflects that Petitioner has a 12-month MED-1 form, effective November 29, 2018, through December 7, 2019. See Exhibit P-2. Based on the foregoing, the ALJ concluded that Petitioner was eligible for WFNJ/GA benefits for the period of August 28, 2018, through October 31, 2018, and ordered the Agency to provide Petitioner with said retroactive WFNJ/GA benefits. See Initial Decision at 4. I agree that Petitioner is eligible for retroactive WFNJ/GA benefits; however, I find that the Agency is to provide Petitioner with said benefits from August 29, 2018, the date of her erroneous WFNJ/TANF benefits application, through October 31, 2018. See Exhibit R-2 at "Application and Affidavit" dated August 29, 2018; see also N.J.A.C. 10:90-1.2(f)(8). The Initial Decision is modified to reflect this finding.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as discussed above.



Officially approved final version.

APR 11 2019

Natasha Johnson
Director

