



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 17535-19 A.R.

AGENCY DKT. NO. C249092020 (UNION COUNTY DIVISION 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 she failed to comply with the mandatory WFNJ 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2020, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Upon submission of additional documentation by the Agency, the record then closed on January 21, 2020.

On January 24, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on November 26, 2019, the Agency provided Petitioner with a notice advising her that she had an appointment on December 2, 2019, to attend her required WFNJ work activity at the Employment Services office located in Elizabeth, New Jersey. See Initial Decision at 2; see also Exhibit R-2. The ALJ found the Agency credible when it testified that on December 2, 2019, it had left Petitioner a voicemail message advising her that her December 2nd appointment had been rescheduled for December 5, 2019, because the Employment Services office was closed due to a snowstorm. See Initial Decision at 2-3. Although Petitioner testified that she had never received said voicemail message from the Agency, the record reflects that Petitioner had not shown up at the December 2, 2019, appointment, nor had she contacted the Agency regarding the required work activity until December 11, 2019, at which time her WFNJ/GA application had already been denied for failure to comply with the 28-day work activity. *Id.* at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-1.2(f)(8), -1.5(a)(1). Further, the ALJ found that Petitioner had failed to appear at the Employment Services office at any time after December 2, 2019, and that she had failed to provide any evidence to substantiate her claim that she had. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with the 28-day work activity, and that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. *Id.* at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-1.2(f)(8). I agree. The ALJ also concluded that Petitioner was free to reapply for WFNJ/GA benefits, as the 30-day period of ineligibility to reapply for said benefits had expired on January 10, 2020. See Initial Decision at 5; see also N.J.A.C. 10:90-1.2(f)(8). I also agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 AFFIRMED.

Officially approved final version.

MAR - 4 2020

Natasha Johnson
Assistant Commissioner

