



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 05869-20 M.P.

AGENCY DKT. NO. C093375013 (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 he failed to provide required verifications and addendums in a timely manner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2020, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 26, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner initially applied for WFNJ/GA benefits on March 30, 2020, and on that same date, the Agency conducted a telephonic interview due to COVID-19 protocol. See Initial Decision at 2. Immediately after that interview, the Agency mailed Petitioner a list of verifications requesting documents that were needed to determine his WFNJ/GA eligibility and an addendum packet to complete and sign. *Ibid.* On April 29, 2020, the Agency denied Petitioner WFNJ/GA benefits, contending that Petitioner failed to provide the requested documentation and completed addendum packet. *Ibid.* On May 1, 2020, Petitioner reapplied for WFNJ/GA benefits, provided the Agency with the requested verifications, and on May 28, 2020, said benefits application was approved. *Id.* at 3. However, the Agency continued to claim that the required addendum packet had not been received. *Ibid.*

Regarding Petitioner's March 30, 2020, application for WFNJ/GA benefits, the ALJ found Petitioner credible when he testified that he had mailed a signed and dated application, and supporting documents to the Agency in the self-addressed stamped envelope provided and handed it directly to the postman. See Initial Decision at 3-4. Petitioner further testified that when he received the April 29, 2020, denial letter he physically went to the Agency and deposited the necessary paperwork, including the addendums, into the blue bucket placed outside the Agency office for incoming mail. *Id.* at 3; see also Exhibit P-1. Moreover, the ALJ found that Petitioner had not been provided with the 30-day minimum within which to provide the Agency with the requested documents, but rather, that the Agency had denied his WFNJ/GA benefits application a mere 21 days after it had requested such documentation. See Initial Decision at 5-6; see also N.J.A.C. 10:90-1.5(a). The ALJ also found that the Agency had not reached out to assist Petitioner with the completion of his application process, as



required pursuant to regulatory authority. See Initial Decision 5-6; see also N.J.A.C. 10:90-1.2(e). The Agency testified that it had made several phone calls to Petitioner to assist him in completing his March 30, 2020, WFNJ/GA benefits application, however, after reviewing its records, the Agency acknowledged that said telephone calls were all made after the Agency's April 29, 2020, denial of Petitioner's initial WFNJ/GA benefits application. See Initial Decision at 3. Based on the testimony and the documentary evidence offered by the parties, the ALJ concluded that the Agency had failed to produce the notice it claimed it had sent to Petitioner, requesting the addendums and verifications, and the date said requested information was due; that the Agency had not provided Petitioner with sufficient time to return the required addendums; that the Agency had failed to assist Petitioner in the application process; and that Petitioner had timely returned the verifications to support his application. See Initial Decision at 4-6. Based on the foregoing, the ALJ concluded that the Agency had not proven, by a preponderance of the evidence, that its denial of Petitioner's March 30, 2020, application was proper. See Initial Decision at 6; see also Exhibit P-1. Finally, the ALJ concluded that Petitioner was eligible for WFNJ/GA benefits retroactive to March 30, 2020. See Initial Decision at 6. I 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 REVERSED.

Officially approved final version.

SEP - 8 2020

Natasha Johnson
Assistant Commissioner

