



State of New Jersey

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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 05018-20 T.H.

AGENCY DKT. NO. S617352012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that, in accordance with applicable regulatory authority, he was precluded from eligibility because he had been convicted of distribution of a controlled dangerous substance ("CDS"). The Agency terminated Petitioner's EA benefits because he was no longer a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for, and was granted WFNJ/GA and EA benefits based on the information provided in his application for said benefits. See Initial Decision at 2; see also Exhibit R-1. However, after the Agency had conducted a routine background check on Petitioner, it was discovered that he had been convicted and sentenced for the manufacture and distribution of, or the intent to manufacture and distribute, controlled dangerous substances ("CDS") in 1999. See Initial Decision at 3-4; see also Exhibits R-B through R-E. As a result, the Agency was obligated, pursuant to the applicable WFNJ regulations, to terminate Petitioner's WFNJ/GA benefits. See Initial Decision at 3-4; see also Exhibits R-14, R-A, and N.J.A.C. 10:90-18.6(b)(1)(ii)(3). Consequently, because Petitioner was no longer a WFNJ/GA benefits recipient and was not an SSI benefits recipient, the Agency terminated Petitioner's EA benefits. See Initial Decision at 3-4; see also Exhibits R-14, R-9, and N.J.A.C. 10:90-6.2(a). Although Petitioner denied having sold or distributed drugs, the Agency submitted into the record documentation evidencing such CDS conviction. See Initial Decision at 5; also Exhibit R-E. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibits R-9, R-A. 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 AFFIRMED.

Officially approved final version. AUG 27 2020

Natasha Johnson
Assistant Commissioner

