



State of New Jersey

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*Governor*

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

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 02816-21 F.P.

AGENCY DKT. NO. C134069002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she had not used said benefits for three months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 15, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to April 16, 2021, to allow Respondent the opportunity to provide additional documentation. No documentation was received and the record then closed on April 16, 2021.

On April 16, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects, and Petitioner admitted, that she had not used her WFNJ/GA benefits for the months of December, January, and February, 2021. See Initial Decision at 2, 4; see also Exhibit R-1 at 6. The record also reflects that Petitioner was in the hospital during those months and was unable to access those WFNJ/GA benefits, however, she admittedly had not notified the Agency of her hospitalization. See Initial Decision at 2-3. As a result, the Agency terminated Petitioner's WFNJ/GA benefits for failure to use said cash benefits for three months. *Id.* at 3; see also Exhibit R-1 at 3-5, and N.J.A.C. 10:88-4.4(a)(3). However, the ALJ found that the Respondent had failed to send Petitioner the required warning notice prior to its termination of her WFNJ/GA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-4.4(a)(2). Such warning notice was required to be sent to Petitioner when her WFNJ/GA benefits had gone unused for two months. See N.J.A.C. 10:88-4.4(a)(2). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 3-5. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on April 19, 2021.

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.



By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

**MAY 27 2021**

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Natasha Johnson

Assistant Commissioner

