



State of New Jersey

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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 09986-20 M.N.

AGENCY DKT. NO. C202430007 (ESSEX COUNTY DIVISION OF WELFARE)

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 upon redetermination for continued WFNJ/GA benefits, Petitioner failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2020, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide documentation. Documentation was provided by Petitioner, without objection, and the record then closed on February 7, 2021.

On February 12, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ determined that the sole issue presented was whether the Agency had properly terminated Petitioner's WFNJ/GA benefits, for failure to provide documentation upon his redetermination for continued WFNJ/GA benefits eligibility. See Initial Decision at 3. The ALJ found that, in accordance with Executive Order 103, issued by the Governor of New Jersey in response to COVID-19, the requirement for a redetermination of WFNJ benefits may be temporarily suspended or modified by the Agency. *Id.* at 6-7. Although the ALJ had stated that it could not be determined if the Agency had extended or modified the WFNJ/GA redetermination process, the ALJ did find that Petitioner's failure to provide the requested documentation to the Agency was due to circumstances associated with COVID-19, and therefore, beyond his control. See *Id.* at 7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. *Ibid.* I agree. Of note, in accordance with Division of Family Development Instruction ("DFDI") No. 20-03-01, the agencies were, and continue to be, instructed to extend the redetermination period for sixty days or until the State of Emergency is lifted, and that no adverse action is to be taken for failure to complete a redetermination or for failing to provide the required documentation. See also DFDI No. 21-03-03.

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.

MAR 25 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

