



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 09308-20 N.C.

AGENCY DKT. NO. S578415009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's expungement of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency expunged Petitioner's WFNJGA benefits, contending that he had failed to use said benefits for a period of five months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the time to submit supplemental documentation to the Agency, and time for the Agency to review and respond to any submitted documentation. The record then closed on December 2, 2020.

On December 9, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that the Agency recaptured \$1,385 in WFNJ/GA benefits placed on Petitioner's Electronic Benefits Transfer ("EBT") card because he had failed to use those benefits for five months. See Initial Decision at 2; see also Exhibit R-2. However, due to Petitioner's stated disabilities and inability to access those WFNJ/GA benefits due to COVID-19, the Agency reinstated the \$1,385 onto Petitioner's EBT card. See Initial Decision at 2; see also Exhibit R-4. Nevertheless, Petitioner contended that the Agency had recaptured a total of \$1,651.80 in WFNJ/GA benefits, and therefore, he was owed an additional \$266.80. See Initial Decision at 2-3; see also Exhibits P-1, R-1. The ALJ found, and the record substantiates, that the Agency had only recaptured \$1,385, and that Petitioner had failed to support his claim with any credible documents evidencing that he was owed any additional WFNJ/GA benefits. See Initial Decision at 3; see also Exhibits P-2 through P-14, and R-2. Based on the foregoing, the ALJ concluded that Petitioner's appeal for the reinstatement of WFNJ/GA benefits was moot, and that his appeal for an additional reinstatement of \$266.80 in WFNJ/GA benefits was denied. See Initial Decision at 3-4. Accordingly, the ALJ affirmed the Agency's determination to reinstate \$1,385 of WFNJ/GA benefits to Petitioner. *Id.* at 4. 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.

FEB 25 2021

Natasha Johnson
Assistant Commissioner

