



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **00462-23 K.A.**

AGENCY DKT. NO. **S605045012 (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 he failed to provide proof of a Supplemental Security Income ("SSI") benefits application/appeal required for continued WFNJ/GA benefits eligibility, and terminated his EA benefits because he was no longer a WFNJ/GA benefits recipient, nor an SSI benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for February 28, 2023, but was adjourned to March 7, 2023, to allow the parties the opportunity to exchange additional documents. On March 7, 2023, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), commenced the plenary hearing, took testimony, and admitted documents, however, at that time, Petitioner had failed to provide additional documentary proofs, and the hearing was adjourned to March 17, 2023, to allow Petitioner additional time to provide such documents. On March 17, 2023, the hearing reconvened and the record then closed.

Also on March 17, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, as a regulatory condition for continued eligibility for WFNJ/GA benefits, Petitioner was required to provide the Agency with proof that he had appealed his denial of SSI benefits, or that he had a current SSI benefits application pending. See Initial Decision at 3-4; see also Exhibits P-4, R-2 at 1, 3-4, and N.J.A.C. 10:90-2.2(a)(3), (5). The ALJ found that Petitioner had failed, without good cause, to provide the Agency with such proof of having either appealed his SSI denial, or proof that he had reapplied for SSI benefits, even though given repeated additional time to do so. See Initial Decision at 2-7; see also Exhibits P-1 through P-5, R-2 at 4; see also N.J.A.C. 10:90-2.2(d). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 4. I agree.

Additionally, the ALJ found that because Petitioner was not a WFNJ/GA or SSI benefits recipient, he was ineligible for EA benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.2(a). Accordingly,



the ALJ concluded that the Agency's termination of Petitioner's EA benefits was also proper and must stand. Ibid.; see also Exhibit R-1 at 5. I also agree.

Exceptions to the Initial Decision were filed by Petitioner on April 18, 2023.

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, Petitioner is without prejudice to reapply for WFNJ/GA and EA benefits, but is reminded that he must provide all required documentation needed to determine his WFNJ/GA benefits eligibility. See N.J.A.C. 10:90-2.2(a)(3), (5), and -6.1 et seq.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed Petitioner's Exceptions, 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 AFFIRMED.

Officially approved final version. May 30, 2023

Natasha Johnson
Assistant Commissioner

