



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 **01117-23 M.P.**

AGENCY DKT. NO. **S644222012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioners ("M.P." and "A.R.") appeal from the Respondent Agency's denial of Work First New Jersey/ General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioners WFNJ/GA benefits contending that they failed to comply with the mandatory WFNJ 28-day work activity, and denied Petitioners EA benefits because they were not WFNJ cash benefits recipients. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2023, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 13, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

Here, the record reflects that Petitioners applied for WFNJ/GA benefits on January 10, 2023, and that they were to begin their mandatory WFNJ 28-day work activity on January 12, 2023. See Initial Decision at 2; see also Exhibit R-1 at 4-18. The record also reflects that Petitioners failed to attend that appointed work activity, that the work activity was then rescheduled for January 17, 2023, and that Petitioners failed to attend said rescheduled work activity. See Initial Decision at 2-3; see also Exhibit R-1 at 21-22. Consequently, by notice dated January 18, 2023, the Agency denied WFNJ/GA benefits to Petitioners, effective January 10, 2023. See Initial Decision at 3; see also Exhibit R-1 at 23-25, and N.J.A.C. 10:90-1.2(f)(8). Additionally, Petitioners applied for EA benefits on January 10, 2023, but were denied such benefits by the Agency because they were not WFNJ cash benefits recipients. See Initial Decision at 3; see also Exhibit R-2 at 1, 7, and N.J.A.C. 10:90-6.2(a).

Nevertheless, the ALJ found that Petitioners had good cause for failing to attend their 28-day work activity appointments. See Initial Decision at 4-5; see also N.J.A.C. 10:90-1.2(f)(8). Specifically, based



on the credible testimony of the parties, and documentation provided, the ALJ found that Petitioners had not been properly noticed by the Agency of either the initial or rescheduled work activities, that Petitioners lacked transportation to said work activities, of which the Agency had knowledge, that Petitioners had attempted to contact the agency by telephone to discuss the required work activities, but were unsuccessful, and that Petitioner M.P. had obtained full-time gainful employment on January 25, 2023. See Initial Decision at 2-5; see also Exhibit R-1 at 18-20. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA and EA benefits to Petitioners was improper, and reversed the Agency's determination. See Initial Decision at 5-6; see also Exhibit R-1 at 23-25, and R-2 at 7.

I agree with the ALJ's conclusion that, based on the facts presented, the denial of WFNJ/GA and EA benefits was improper. Ibid. However, as the record indicates that Petitioner M.P. is now working full-time, Petitioners may, in fact, now be ineligible for WFNJ/GA, and consequently EA benefits, due to earned income. See Initial Decision at 5; see also N.J.A.C. 10:90-3.1(a), (b), -3.4, -3.5(a), and -6.1(c) (2), -6.2(a). As such, I am remanding this matter back to the Agency to reevaluate Petitioners for WFNJ/GA and EA eligibility. Should that reevaluation result in another denial of WFNJ/GA and EA benefits, Petitioners may request another fair hearing on that subsequent denial. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's denial is REVERSED, and matter is REMANDED back to the Agency for action, as outlined above.

Officially approved final version. March 01, 2023

Natasha Johnson
Assistant Commissioner

