



# State of New Jersey

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*Governor*

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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 **05830-23 X.H.**

AGENCY DKT. NO. **C822184007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of his August 22, 2022, Work First New Jersey/General Assistance ("WFNJ/GA") benefits application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The Agency denied Petitioner WFNJ/GA benefits, contending that he had failed to comply with the mandatory 28-day work activity. On July 6, 2023, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 6, 2023, the ALJ issued an Initial Decision, barring Petitioner's request for a fair hearing. Here, the ALJ found that Petitioner had not appealed the Agency's November 22, 2022, denial of his August 22, 2022, application for WFNJ/GA benefits within the 90-day timeframe to appeal and is now out of time to do so. See Initial Decision at 2-4; see also N.J.A.C. 10:90-9.10(c). Accordingly, the ALJ barred Petitioner from having a fair hearing on this issue. See Initial Decision at 4. I agree and therefore find that the Agency's denial stands as issued.

Additionally, the ALJ found that there is no denial of Petitioner's current May 25, 2023, application for WFNJ/GA benefits, which application is still pending, and that there is no pending EA benefits application. See Initial Decision at 2-3; see also Exhibit R-1. Accordingly, the ALJ concluded that a fair hearing is premature on said WFNJ/GA application, as the matter is currently pending before the Agency. See Initial Decision at 4; see also N.J.A.C. 10:90-9.10(c), (d). I also 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 August 22, 2022, denial stands as issued and is thereby AFFIRMED.

Officially approved final version. July 12, 2023

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Natasha Johnson  
Assistant Commissioner

