



State of New Jersey

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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 14509-17 T.M.

AGENCY DKT. NO. C161968007 (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 he failed to cooperate with the Supportive Assistance to Individuals and Families ("SAIF") Program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2017, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 22, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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, and REVERSE the Agency's determination.

Here, the ALJ found that Petitioner was adequately and timely notified of his requirement to attend the August 22, 2017, SAIF program at Newark Emergency Services for Families ("NESF"). See Initial Decision at 2-3; see also Exhibits R-2, R-3, and R-4. Petitioner failed to attend that scheduled meeting, and on September 15, 2017, the Agency terminated Petitioner's WFNJ/GA benefits, effective September 1, 2017. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a), (d). However, the ALJ found that Petitioner was not noticed of that termination, due to the fact that said notice did not contain Petitioner's address. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper due to its failure to properly notice Petitioner of such termination; nevertheless, because Petitioner had been properly noticed of his required participation in the SAIF program, yet failed to do so, the Agency had proper grounds to terminate Petitioner's WFNJ/GA benefits, upon proper notice of same. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:90-9.1(a), (b), (c). I agree.

Further, the ALJ found Petitioner eligible for WFNJ/GA benefits at the unemployable rate of \$210, as of May 2017, the time at which the Agency had Petitioner's MED-1 form in its possession for review. See Initial Decision at 5; see also N.J.A.C. 10:90-2.9(a)(2)(x), -3.6(a). Particularly, the ALJ found that Petitioner's MED-1 form must be deemed acceptable as of that date because the Agency had yet to review his MED-1 form, and its time to do so has expired. See Initial Decision at 5; see also N.J.A.C. 10:90-1.5(a). I note that the record in this matter indicates that Petitioner received WFNJ/GA benefits in the amount of \$210 in May 2017. See Exhibit R-5. As such, I find that the Agency shall provide Petitioner with WFNJ/GA benefits at the unemployable rate of \$210 retroactive to June 2017, through the present, as well as prospective WFNJ/GA benefits at the unemployable rate, provided Petitioner continues to need said benefits, and is otherwise eligible for same. See Initial Decision at 5-6. The Initial Decision is modified to reflect this finding.



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Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is REVERSED.

Officially approved final version.

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Natasha Johnson

Director

JAN 02 2017

