



State of New Jersey

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Director

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

REMAND DECISION

OAL DKT. NO. HPW 10494-18 D.W.

AGENCY DKT. NO. C089379015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to comply with the mandatory WFNJ 28-day work activity and failed to attend a Behavioral Health Initiative ("BHI") appointment, and denied Petitioner EA benefits because she was not a WFNJ cash benefits recipient or a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, reversing the Agency's EA benefits determination.

Exceptions to the Initial Decision were filed by the Agency on July 31, 2018, and by Petitioner on August 3, 2018.

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, AFFIRM the Agency's determination, and REMAND the matter to the Agency to reevaluate Petitioner for a WFNJ work activity deferral, as well as WFNJ/GA and EA benefits.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ application and a 30-day period of ineligibility. Ibid.

Pursuant to N.J.A.C. 10:90-2.9(a)(2)(x)(1), a person shall be determined to be unemployable by the agency, when the determination is supported by a fully completed MED-1 form. Upon presentation of documentation of un-employability, applicants and recipients shall be considered deferred from the work requirement in accordance with N.J.A.C. 10:90-4.10.



Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record substantiates, and the ALJ found, that Petitioner failed to report for the start of her required WFNJ 28-day work activity on May 31, 2018, and on July 12, 2018, as scheduled. See Initial Decision at 2; see also Exhibits R-2, R-4, R-6, R-7, R-12, R-13, R-14, and N.J.A.C. 10:90-1.2(f)(8). Although it appears from the record that Petitioner had good cause for failing to attend those appointments, Petitioner was still required to complete the 28-day work activity as a condition of WFNJ/GA benefits eligibility, unless otherwise deferred from such activity. See Initial Decision at 2; see also Exhibits R-8, EA-R8, and "Community Medical Center" records, and N.J.A.C. 10:90-1.2(f)(8), -4.10. A review of the record indicates that Petitioner had not completed the required work activity, and had not been deferred. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-4.10(a)(2). Accordingly, I find that the Agency's denial of WFNJ/GA benefits to Petitioner, for failure to complete the mandatory WFNJ 28-day work activity, was proper at the time it was made. See Exhibit EA-R10; see also N.J.A.C. 10:90-1.2(f)(8). Similarly, I also find that Petitioner was ineligible for EA benefits because she was neither a WFNJ, nor an SSI, benefits recipient, at the time of the Agency's denial of EA benefits, and therefore, that denial was also proper at the time it was made. See N.J.A.C. 10:90-6.2(a); see also Exhibit EA-R1.

However, in her Exceptions, Petitioner provided a copy of a MED-1 form indicating a six-month disability, and therefore, I find that Petitioner may now be eligible for a deferral from the WFNJ work activity, and consequently, also eligible for WFNJ/GA and EA benefits. See N.J.A.C. 10:90-4.10(a)(2). Therefore, I am remanding the matter to the Agency to allow it the opportunity to review Petitioner's MED-1 form, and to reevaluate Petitioner's eligibility for a WFNJ work activity deferral, WFNJ/GA benefits, and EA benefits. In light of Petitioner's imminent homelessness, I direct the Agency to conduct its reevaluation on an expedited basis, and to provide Petitioner with immediate need assistance during its reevaluation process. See N.J.A.C. 10:90-1.3(a). Further, Petitioner is advised that if she is again denied WFNJ/GA and EA benefits, she is without prejudice to request another fair hearing regarding any such denials. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is AFFIRMED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

AUG - 6 2018

Natasha Johnson
Director

