



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 18843-17 D.Y.

AGENCY DKT. NO. C713304007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to provide requested verification. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 30, 2018, 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.

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 Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8).

Here, the record reflects that Petitioner was required to submit a letter of support as part of her application for WFNJ/GA benefits. See Initial Decision at 2; see also Exhibits P-2 and R-2, and N.J.A.C. 10:90-2.2(a)(5). Petitioner testified that she provided the requested letter of support to the Agency, and had been given a receipt noting the date of delivery and what had been delivered to the Agency. See Initial Decision at 2; see also Exhibits P-1 and P-2 at 8. Nevertheless, the Agency denied Petitioner WFNJ/GA benefits, alleging that she failed to submit the required verification because the Agency did not have the letter of support in Petitioner's file. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(5). However, the Agency acknowledged that the letter of support, admitted into evidence at the hearing by Petitioner, proved that she qualified for WFNJ/GA benefits, but that the Agency had no record of the letter included in Petitioner's file. See Initial Decision at 2-3; see also Exhibit P-1. The ALJ found that Petitioner fully and timely complied throughout the application process, including providing the requested explanatory letter of support to the Agency. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner is eligible for WFNJ/GA benefits, and that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. *Id.* at 4; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(5). I agree.

However, I respectfully disagree with the ALJ's conclusion that Petitioner is eligible for WFNJ/GA benefits as of the date of her application for said benefits. See Initial Decision at 4. Rather, as it appears from the record that Petitioner has completed the mandatory WFNJ 28-day work activity, I find that in accordance with N.J.A.C. 10:90-1.2(f)(8), Petitioner is



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eligible for WFNJ/GA benefits as of the date she completed said work activity. See Exhibit P-2 at 7. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

MAR 12 2018

Natasha Johnson
Director

