



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 18554-17 M.B.

AGENCY DKT. NO. C456663007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 28, 2017, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 29, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits on December 6, 2017. See Initial Decision at 3; see also Exhibit R-2. On that same date, the Agency denied Petitioner EA benefits because he was not a WFNJ or SSI benefits recipient, and he failed to provide any proof of an emergency. See Initial Decision at 2-3; see also Exhibit R-1 and N.J.A.C. 10:90-6.2(a). Petitioner applied for WFNJ/General Assistance ("GA") benefits on December 13, 2017, however, Petitioner's application is in pending status because he has not completed the required 28-day work activity. See Initial Decision at 3; see also N.J.A.C. 10:90-1.2(f)(8). Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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.

By way of comment, Petitioner claims that he requested a fair hearing in July 2017, regarding a prior termination of WFNJ/ GA and EA benefits in June 2017. See Initial Decision at 3. However, I take official notice of the fact that the records of this office, between the months of July and November 2017, do not indicate that Petitioner requested a fair hearing on such an issue, or any matter, during that time frame. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4); see also Initial Decision at 3.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.



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Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

JAN 11 2018

Natasha Johnson

Director

