



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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

REMAND DECISION

OAL DKT. NO. HPW 05015-20 S.G.

AGENCY DKT. NO. S624992012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

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 due to a conviction for distribution of a controlled dangerous substance ("CDS"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 14, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

Following issuance of the Initial Decision in this matter, and transmission of the case file to the Division of Family Development, the ALJ in this case was advised that Petitioner had submitted documentation to be considered at the plenary hearing. However, the ALJ was unaware of Petitioner's submitted documents, and had issued an Initial Decision. In the interests of fairness and due process, Petitioner's documentation should be considered by the ALJ and notated as evidence in the Initial Decision. As such, I find that, due to the unknowing omission of Petitioner's submitted documentation, the record in this case is not complete, and rendering a Final Agency Decision in this matter would be premature.

Therefore, as Assistant Commissioner, Division of Family Development, Department of Human Services, I hereby REMAND this case back to the OAL, in accordance with N.J.A.C. 1:1-18.7(a), to allow the ALJ to reopen the record, consider Petitioner's submitted documentation, accept further testimony from the parties, as necessary, and issue a new Initial Decision in this matter based upon the complete record.

Accordingly, this case is REMANDED to the OAL, as outlined above.

SEP - 8 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

