



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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

FINAL DECISION

OAL DKT. NO. HPW **06366-22 A.K.**

AGENCY DKT. NO. **C101394015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that he failed to provide required documentation, and terminated his EA benefits, contending that he had violated motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for August 23, 2022, but Petitioner failed to appear. On September 15, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a rescheduled telephonic plenary hearing, took testimony, and admitted documents. The record remained open until September 22, 2022, to allow Petitioner the opportunity to submit additional documents. On September 29, 2022, Petitioner requested additional time for the submission of additional documents and was given until October 6, 2022, to do so. Thereafter, Petitioner had attempted to provide the documents to the OAL by email, but was unsuccessful. Petitioner was provided with the correct OAL email address and the record was held open until October 17, 2022, for receipt of such documents. No documents were received by that date and the record then closed.

On November 3, 2022, the ALJ issued an Initial Decision, affirming the Agency's determinations. Here, the record reflects that on June 3, 2022, the Agency sent a letter to Petitioner at the motel where he was residing, advising him of the documentation required to be submitted to the Agency by June 13, 2022, in order for it to determine his eligibility for WFNJ/GA benefits. See Initial Decision at 3-4; see also Exhibit GA R-2, R-3, and N.J.A.C. 10:90-2.2(a)(5). Petitioner claimed that he had never received the June 3rd letter, and therefore, the ALJ left the record open until October 17, 2022, to allow Petitioner the opportunity to provide the requested documentation. See Initial Decision at 2, 6-7. However, no documentation was submitted. *Id.* at 7. Accordingly, the ALJ concluded that Petitioner had indeed received the Agency's June 3, 2022, request for documentation, and had failed to provide the requested documentation, as required. *Id.* at 8-9. Based on the foregoing, the ALJ determined that the Agency's denial of WFNJ/GA benefits to Petitioner was proper and must stand. *Id.* at 9; see also Exhibit GA R-1. I agree.



Further, the ALJ found that the Agency's testimony regarding Petitioner's violation of motel rules was hearsay, and as such, the Agency had failed to prove, by a preponderance of the evidence, that such violation had occurred. See Initial Decision at 5-8; see also N.J.A.C. 1:1-15(a), (b). Regardless, based on the ALJ's conclusion that Petitioner is ineligible for WFNJ/GA benefits, as discussed above, the ALJ consequently concluded that Petitioner is ineligible for EA benefits, pursuant to N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients), and on that basis, affirmed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 9; see also Exhibit EA R-1. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

December 22, 2022

Natasha Johnson
Assistant Commissioner

