



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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

FINAL DECISION

OAL DKT. NO. HPW **03643-22 A.S.**

AGENCY DKT. NO. **S768449009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance benefits ("WFNJ/GA"). The Agency terminated Petitioner's WFNJ/GA benefits, contending that he had failed to provide documentary proof that he had applied for United States ("U.S.") citizenship, required for continued WFNJ/GA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for June 1, 2022, but was adjourned at the request of Petitioner and with the Agency's consent. On June 21, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 24, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner had provided the Agency with documentary proof that he had applied for U.S. citizenship in 2016, which was denied, and again in September 2021, and that on May 17, 2022, the Department of Homeland Security ("DHS") advised Petitioner that it could not make a decision on his September 2021, application at that time. See Initial Decision at 2-3, 5; see also Exhibits P-2, P-3, P-6, R-6A, R-6B, R-6C. Further, the record indicates that DHS has not provided Petitioner with any further information regarding the status of his September 2021, application, and as such the ALJ found that it was through no fault of Petitioner that he had not yet obtained citizenship. See Initial Decision at 2. Moreover, the record reflects that DHS advised Petitioner on May 17, 2022, that he had passed the required civics and language components. *Id.* at 2, 5. Based on the foregoing, the ALJ concluded that Petitioner had complied with the relevant regulatory authority set forth at N.J.A.C. 10:90-2.3(a)(3)(ii), and therefore, he is eligible for continued WFNJ/GA benefits. See Initial Decision at 4-5. The ALJ also found that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner had failed to provide such documentation. *Id.* at 5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. *Id.* at 5; see also Exhibit R-1. I agree.

Exceptions to the Initial Decision were filed by the Agency on June 28, 2022.



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 record also indicates that Petitioner has received 76 months of WFNJ/GA benefits and that he had provided the Agency with a current MED-1 form indicating a temporary 11-month disability through July 31, 2022. See Initial Decision at 3; see also Exhibit P-4, R-4. Although the Agency testified that Petitioner had been erroneously provided with continued WFNJ/GA benefits based on that MED-1 form, the ALJ did not address that issue, as it had not been addressed in the Agency's adverse action notice. See Initial Decision at 3-5; see also Exhibits R-1, R-6E. As such, that issue has not been addressed in this Final Agency Decision.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

July 14, 2022

Natasha Johnson
Assistant Commissioner

