



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

FINAL DECISION

OAL DKT. NO. HPW **04418-25 H.T.**

AGENCY DKT. NO. **C874928007 (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 she 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 ("OAL") for a hearing. On March 13, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 17, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on March 19, 2025. A reply to the Agency's Exceptions was received from Legal Services, on behalf of Petitioner, on March 20, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby **REJECT** the ALJ's Initial Decision, and **AFFIRM** the Agency's determination, based on the discussion below.

Only WFNJ and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

The transmittal in this matter shows that a fair hearing was requested on March 7, 2025, following the Agency's February 14, 2025, denial of EA benefits to Petitioner on the basis that she was not a WFNJ or SSI benefits recipient. See N.J.A.C. 10:90-6.2(a). Further, at the time of the EA denial, as well as at the time of the request for the emergent fair hearing, Petitioner's application for WFNJ/General Assistance ("GA") benefits was still pending a determination, with no adverse action having been issued by the Agency. See Exhibit R-1 at E4. Based upon the fact that, at the time of the Agency's February 14, 2025, denial of EA benefits, Petitioner was not a WFNJ/GA or SSI benefits recipient, I find that the Agency's denial of EA benefits was proper and is therefore affirmed. See Exhibit R-1 at E3; see also N.J.A.C. 10:90-6.2(a).

Nonetheless, the ALJ's Initial Decision focuses predominantly on Petitioner's eligibility for WFNJ/GA benefits, which was not a transmitted issue, and for which no adverse action had been issued. See N.J.A.C. 1:1-3.2(a). If Petitioner has been determined to be ineligible for WFNJ/GA benefits by the Agency, Petitioner may request a fair hearing on that adverse action. See N.J.A.C. 10:90-9.3(a). I find that it would be inappropriate to address the merits of any arguments with respect to WFNJ/GA eligibility, or consider any proffered exhibits on that subject, when proper notice, a hearing request, and transmission of a contested issue to the OAL had not occurred, such that OAL had no jurisdiction to adjudicate the issue. See N.J.A.C. 1:1-3.2(a).



Finally, the impartiality of the fair hearing process is called into question when an ALJ hearing another matter, appears and participates on the record for a case, such as the present matter, but was not sworn in, or listed in the Initial Decision as a hearing participant. See Exceptions. If the matters are factually related, and intertwined, there is an appropriate avenue to take such that the matters may be heard together. See N.J.A.C. 1:1-17.1, -17.3. However, the record is devoid of any request by either of the parties to consolidate this matter with a potentially related matter presently pending before the other ALJ who appeared at the hearing in the present matter.

By way of comment, Petitioner's counsel is advised that no replies or cross-exceptions are allowed in DFD fair hearings. See N.J.A.C. 1:10-18.2.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. March 26, 2025

Natasha Johnson
Assistant Commissioner

