



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 17115-24 P.P.

AGENCY DKT. NO. C104840001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals regarding the withdrawal of his June 29, 2023 application for Emergency Assistance ("EA") benefits. On January 17, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On January 21, 2025, the ALJ issued an Initial Decision, affirming the Agency's acknowledgement of the application withdrawal, and dismissing Petitioner's appeal due to his untimely filing.

Exceptions to the Initial Decision were filed by Petitioner on February 5, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I ADOPT the Initial Decision, and AFFIRM the Agency's action.

A WFNJ benefits recipient has 90 calendar days to appeal an Agency's adverse action. See N.J.A.C. 10:90-9.10(a). That time limit may not be expanded, unless extraordinary and extenuating circumstances exist, such as serious illness, as determined by DFD. See N.J.A.C. 10:90-9.10(b).

Based on the record presented, Petitioner applied for EA benefits on June 29, 2023. See Initial Decision at 2; see also Exhibit R-1 at 6-12. The Agency then sent Petitioner two AC-361 forms, one on June 29, 2023, and the other on August 8, 2023, requesting documentation necessary to complete his application and determine eligibility for EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 13, 14. On August 9, 2023, Petitioner emailed an Agency caseworker indicating that he would be unable to submit the documentation requested. See Initial Decision at 2-3; see also Exhibit R-1 at 16. The Agency caseworker responded on August 10, 2023, advising Petitioner that without the requested information, needed to determine eligibility, the prior EA denial would stand. See Initial Decision at 3; see also Exhibit R-1 at 18. Later that same date, Petitioner responded, stating that he was withdrawing his EA application and noting that he would reapply if necessary. Ibid. On August 14, 2023, the Agency sent notice to Petitioner, acknowledging that Petitioner was unable to provide the documentation required to complete processing of his EA application, and further indicating that Petitioner was withdrawing the application and "will reapply once he has the necessary documents." See Initial Decision at 3; see also Exhibit R-1 at 2. Petitioner requested a fair hearing in this matter on November 29, 2024, more than a year after the issuance of Agency's notice. See Initial Decision at 2.

The ALJ found that Petitioner had voluntarily withdrawn his EA application via email on August 10, 2023, which was thereafter acknowledged in the Agency's notice dated August 14, 2023. See Initial Decision at 4. Moreover, the ALJ found that more than 90 days had elapsed from the Agency's August 2023, notice to Petitioner, to the time when Petitioner



requested a Fair Hearing in November 2024, and as such, Petitioner was now out of time to challenge the Agency's actions with respect to the June 29, 2023, application. Ibid.; see also N.J.A.C. 10:90-9.10. I agree.

Accordingly, based on the testimonial and documentary evidence presented, the ALJ concluded that Petitioner had voluntarily withdrawn his EA application, in writing, stating he would reapply when he was able to obtain the requested documentation to determine eligibility, and as such, he is not eligible for EA benefits based on his June 29, 2023, application. See Initial Decision at 5. I also agree.

By way of comment, Petitioner is without prejudice to reapply for EA benefits, but must timely provide all information and documentation requested in order to determine eligibility.

By way of further comment, I have reviewed Petitioner'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 action is AFFIRMED.

Officially approved final version. February 18, 2025

Natasha Johnson
Assistant Commissioner

