



State of New Jersey

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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 **10148-26 S.S.**

AGENCY DKT. NO. **C446635007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey ("WFNJ") benefits. The Agency denied Petitioner WFNJ benefits, contending that she failed to cooperate with eligibility requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 20, 2026, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On August 21, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination and ordering the Agency to process Petitioner's application for WFNJ benefits.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination and REMAND the matter to the Agency for further action, based on the discussion below.

An ALJ's findings of credibility as to lay witnesses may not be rejected or modified unless a review of the record shows that the findings are arbitrary, capricious or unreasonable, or not supported by sufficient, competent and credible evidence in the record. N.J.S.A. 52:14B-10(c); N.J.A.C. 1:1-18.6(c).

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. In part, adequate notice is a written notice outlining the intended action, the reasons for the action, the specific regulations supporting the intended action and an explanation of the individual's right to request a fair hearing. See N.J.A.C. 10:90-9.1(a).

The ALJ in this matter found that Petitioner applied for WFNJ benefits on March 11, 2026. See Initial Decision at 2. At the time of the hearing, the Agency representative testified that an Appointment Notification was sent via regular mail and through the Agency's portal on March 12, 2026. See Initial Decision at 2-3; see also Exhibits R-2, R-3. On March 19, 2026, the Agency notified Petitioner that she was ineligible for WFNJ benefits due to her failure to attend her benefits interview. See Initial Decision at 2; see also Exhibit R-1. Petitioner testified that she did not receive the notification of the interview being scheduled and provided a screenshot showing that she did not receive any notification of the interview being scheduled through the Agency portal. See Initial Decision at 3; see also Exhibit P-1.

The ALJ in this matter found Petitioner's testimony credible that she did not receive either the electronic notification through the portal, or the hard copy sent through the mail, scheduling her benefits interview, and therefore, the ALJ maintained that Petitioner had presented good cause for not appearing for the scheduled interview. See Initial Decision



at 2, 4; see also Exhibit P-1. During the hearing, however, Petitioner did, in fact, indicate that she received the Agency's March 19, 2026, Adverse Action Notice which was sent via regular mail, to the address Petitioner had provided in her application. See Initial Decision at 2; see also Exhibit R-1. While the Initial Decision lacks any discussion as to any testimony or cross examination presented during the hearing that the address reflected on the notices was incorrect, I note that in fact, the address contained on the Agency's appointment notice, sent by regular mail, is identical to that submitted by Petitioner on her application for WFNJ benefits, and also to that on the Adverse Action Notice which Petitioner testified that she received. See Exhibits R-1, R-2 and R-4; see also N.J.A.C. 1:1-18.6(c). While this calls into question the credibility of Petitioner's testimony, nonetheless, I do agree with the ALJ's position that the Agency's interview notice is defective, in that it contains contradictory information, stating that the interview is both a telephone interview and an in-person interview. See Initial Decision at 4; see also Exhibit R-2 and N.J.A.C. 10:90-9.1(a). Further, I find the Agency's denial notice lacks needed specificity in both advising Petitioner what particular program requirement she did not cooperate with, and the specific applicable legal basis for the denial. See Exhibit R-1; see also N.J.A.C. 10:90-9.1(a)(1)(ii), (iii). Accordingly, while I agree with the ALJ's final conclusion that the denial was improper, and that the Agency should process Petitioner's March 11, 2026, WFNJ application, the Initial Decision is modified to reflect the above findings.

Based on the foregoing, the matter is remanded to the Agency to process Petitioner's application and assess her eligibility for WFNJ benefits, on an expedited basis. Should Petitioner again be denied WFNJ benefits, proper adequate notice is to be issued, and Petitioner may request another fair hearing on that substantive subsequent denial.

Accordingly, the Initial Decision in this matter is hereby MODIFIED, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency for further action, as outlined above.

Officially approved final version. September 24, 2026

Natasha Johnson
Assistant Commissioner

