



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 414-15 C.S.

AGENCY DKT. NO. GA120978 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits because of excess income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On April 16, 2015, the ALJ issued his Initial Decision, reversing the Agency's determination. The record indicates that Petitioner applied for WFNJ/GA benefits on August 27, 2014 and completed his WFNJ 28-day work requirement on September 30, 2014. See Initial Decision at 2. Subsequently, the Agency denied Petitioner WFNJ/GA benefits due to excess income, testifying that they received a letter from S.H., stating that he supports Petitioner. *Ibid.* However, Petitioner testified that S.H. allows him to stay at his apartment, free of rent, but that he does not receive any other support from him. *Ibid.* Further, the record indicates that Petitioner has no other source of income. *Ibid.*

The ALJ found that because the Agency did not provide the court with a copy of the letter from S.H., indicating the type of support given to Petitioner, that the Agency could not then prove that this support would not be exempt under N.J.A.C. 10:90-3.19(a)(10)(exempt income includes benefits received in the form of good, services or via third party payments, rather than cash). *Id.* at 2-3. Therefore, since the Agency's only basis for the denial of WFNJ/GA benefits was due to excess

income, the ALJ found that Petitioner was eligible for WFNJ/GA benefits retroactive to October 1, 2014 through February 1, 2015, and that the Agency may reevaluate Petitioner for continued WFNJ/GA eligibility for March 2015, and forward.

No Exceptions to this Initial Decision were filed.

As the Director of the 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 in this matter.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's REVERSED.

MAY 19 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director