



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 6148-15 D.Y.

AGENCY DKT. NO. C650325 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's application for failing to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On May 29, 2015, the CALJ issued her Initial Decision reversing the Agency determination.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

As a condition of eligibility for WFNJ/GA, an applicant shall provide all necessary documentation, including contact information. See N.J.A.C. 10:90-2.2(a)(5). Additionally, before a WFNJ/GA applicant may be deemed eligible, the agency must determine the composition of the assistance unit. See N.J.A.C. 10:90-2.7(a).

Here, the record reveals that Petitioner applied for WFNJ/GA on December 29, 2014. See Initial Decision at 2. On January 15, 2015, Petitioner submitted a Med-1 form, which the Agency found sufficient to exempt her from the WFNJ 28-day work

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requirement from January 1, 2015 through July 1, 2015. Ibid. Because Petitioner advised the Agency that she has been residing with R.S. since May 2014, the Agency sent Petitioner a notice dated February 7, 2015 stating that it was unable to determine her WFNJ/GA eligibility without a second letter from R.S. confirming their relationship. See Initial Decision at 2; see also Exhibit P-1. The notice further advised that Petitioner's application would be denied on March 9, 2015 if she did not provide the requested document within ten days Ibid.

At the hearing, the Agency representative testified that by March 9, 2014, Petitioner had provided the requested documentation from R.S. See Initial Decision at 2. Nevertheless, on March 26, 2015, the Agency denied Petitioner's application because she failed to provide sufficient proof of her address. See Initial Decision at 3; see also Exhibit P-2. Petitioner testified at the hearing that she is unable to provide the usual proof of address, such as a lease or utility bill, because there is no written lease between R.S. and his landlord and the landlord pays the utilities. Ibid. However, Petitioner produced three alternate documents that the CALJ found sufficient to prove her current address. Ibid.

Based on the exhibits and the testimony, the CALJ concluded that by March 9, 2015, Petitioner had supplied the Agency with the requested document from R.S., but the Agency still denied Petitioner's application for failure to provide sufficient proof of address. See Initial Decision at 3. The CALJ opined that the Agency's denial appears to be residency-based and that residency is not an eligibility requirement under the WFNJ/GA regulations. See Initial Decision at 4; see also N.J.A.C. 10:90-2.12(a).

Therefore, the CALJ found that because the Agency's residency-based denial was not supported by the regulations, it was improper. See Initial Decision at 4. Also, Petitioner's eligibility date for WFNJ/GA was the date of her application, since Petitioner has established through her Med-1 that she is not subject to the 28-day work requirement. Ibid. Thus, the CALC concluded, and I agree, that the Agency's denial of Petitioner's application should be reversed, and that Petitioner is entitled to WFNJ/GA retroactive to December 29, 2014, the date of her application. See Initial Decision at 4.

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

Signed Copy on File
at DFD, BARA

JUN 10 2015

Natasha Johnson
Director