



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 7314-15 E.H.

AGENCY DKT. NO. GA41897 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits because, purportedly, Petitioner failed to apply for Unemployment Insurance Benefits ("UIB") and failed to provide employment termination letters. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 18, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency to reevaluate Petitioner for WFNJ/GA benefits.

Pursuant to N.J.A.C. 10:90-1.6(f), "At the time of application, the WFNJ worker shall provide the applicant with a written list of the verification needed to determine eligibility. . . ." Additionally, In order to be found eligible for WFNJ/GA benefits, the applicant must provide all necessary documentation requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5).

Here, Petitioner was denied WFNJ/GA benefits because, purportedly, he failed to provide the Agency with proof that he applied for UIB and failed to provide employment termination letters. Of note, the Initial Decision contains factual contradictions in this matter. See Initial Decision at 2. Specifically, the ALJ states in her "Findings of Fact," that the Agency provided documentation at the hearing proving that it had requested the aforementioned information from Petitioner prior to sending out its denial letter, and then in her "Conclusion," states that Petitioner was not advised by the Agency to provide the aforementioned information, and therefore, he could not provide the documents since he was not made aware that they were required. Ibid. Notwithstanding this contradiction, the ALJ reversed the Agency's denial of WFNJ/GA benefits on its basis that Petitioner failed to provide the Agency with the documentation it requested. Ibid.

Based on the ALJ's analysis, it is unclear whether, or not, the Agency requested Petitioner to provide it with proof that he applied for UIB, and employment termination letters, as the only "Notice of Verification" document in the record is one for Supplemental Nutrition Assistance Program eligibility, asking for a PSE&G or water bill to verify residency. See Exhibit P-3. Additionally, the record indicates that Petitioner had applied for UIB, was receiving benefits, beginning August 2014, and that his benefits had expired on January 26, 2015. See Exhibit P-2 at 1, 2, 4. However, it appears that Petitioner did not retrieve his UIB information until April 29, 2015, which was after the April 24, 2015, date of the Agency's denial. Id. at 1.

Regardless of the Initial Decision's factual contradictions, I find that the record is devoid of any documentary evidence to indicate that the Agency requested the documents at issue, as required by N.J.A.C. 10:90-1.6(f), and therefore, I agree with the ALJ's reversal of the Agency's denial based on Petitioner's failure to provide requested documentation. Additionally, as Petitioner has provided proof of his receipt of UIB at the hearing, the Agency is directed to reevaluate him for WFNJ/GA benefits. Further, although Petitioner did not provide the court with employment termination letters, I find such documentation no longer necessary for WFNJ/GA eligibility determination, because he had applied for, and received, UIB.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency to reevaluate Petitioner for WFNJ/GA benefits.

JUL 14 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director