



State of New Jersey

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 16045-15 F.O.

AGENCY DKT. NO. GA576704 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that she submitted questionable information regarding her addresses and submitted invalid/late MED-1 forms. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On October 19, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 and REVERSE the Agency's determination.

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. Adequate notice is a written notice outlining the intended action and the reasons for the action. N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." N.J.A.C. 10:90-9.1(b)(1). When the Agency's decision adversely affects a benefits recipient, there cannot be a change to the recipient's benefits until 10 calendar days after the mailing date of the notice. N.J.A.C. 10:90-9.1(c).

The Agency's basis for denial notwithstanding, the ALJ found that the Agency failed to properly notice Petitioner of its termination of her WFNJ/GA benefits, and therefore, reversed the Agency's termination of Petitioner's WFNJ/GA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-9.1(a). I concur. Additionally, the ALJ concluded that Petitioner failed to provide sufficient evidence to support her allegations that the Agency terminated her benefits in bad faith, and found that the Agency still had probable cause to investigate the accuracy of the information provided to them by Petitioner. See Initial Decision at 4-5.

By way of comment, it appears from the record that Petitioner's EA benefits were also terminated. See *id.* at 2. However, that termination was not a contested issue in this case and the ALJ made no determination on same. In light of the ALJ's decision as to Petitioner's WFNJ/GA benefits, and as those benefits are to be reinstated, the Agency is directed to reevaluate Petitioner for EA benefits, on an expedited basis, so as to avoid Petitioner's imminent homelessness. *Id.* at 3. If Petitioner is denied EA benefits, she may request a fair hearing on that issue alone.

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

OCT 29 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director