



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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 6314-15 F.R.

AGENCY DKT. NO. GA392300 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency's denial was based upon Petitioner's failure to provide the Agency with requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 6, 2015, the Honorable JoAnn Lasala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 6, 2015, the ALJ 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 considered the ALJ's Initial Decision, and having made an independent review of the record, I MODIFY the ALJ's Initial Decision.

The record for this matter indicates that after applying to the Agency for WFNJ/GA, the Petitioner completed his 28-day work requirement on April 1, 2015. See Initial Decision at 2. On April 16, 2015, the Agency mistakenly sent a letter requesting additional documents to Petitioner at his former address. *Ibid.* As a result, Petitioner never received that letter because he was residing at a shelter where the Agency had placed him approximately two months ago. See Initial Decision at 1-2.

The Agency representative candidly testified that the April 16, 2015 letter was sent to Petitioner at the wrong address. See Initial Decision at 2. Therefore, the ALJ

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found that it was not Petitioner's fault in not providing the additional documentation, since he never received the request. Ibid. The Agency representative also confirmed that Petitioner did provide all documents requested when he was placed by the Agency at the shelter. Ibid. Based on the foregoing, the ALJ concluded, and I agree, that the Agency's denial of Petitioner's WFNJ/GA application was improper. See Initial Decision at 3.

However, while I agree with the ALJ that the Agency's denial of Petitioner's WFNJ/GA application was inappropriate, Petitioner is only entitled to retroactive cash assistance to the date of completion of his 28-day work requirement, which was April 1, 2015, and not to the application date. See N.J.A.C. 10:90-1.2(f)(8). As such, I hereby modify the Initial Decision to reflect that immediately upon receipt of this Decision, the Agency shall provide the Petitioner with WFNJ/GA benefits retroactive to April 1, 2015.

Additionally, the Agency shall immediately process the Petitioner's EA application and shall address his immediate housing needs pending a determination on the EA application. If the Agency determines that the Petitioner is ineligible for EA, the Agency must issue him an adverse action notice in accordance with N.J.A.C. 10:90-9.1 et seq, and the Petitioner shall retain the right to request a Fair Hearing.

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

MAY 18 2015*Signed Copy on File*

at DFD, BARA

Natasha Johnson
Director