



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

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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

REMAND DECISION

OAL DKT. NO. HPW 12878-14 J.B.

AGENCY DKT. NO. GA559476 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits because Petitioner did not provide two bank account statements needed to determine Petitioner's eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 29, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On November 17, 2014, the ALJ issued her Initial Decision affirming the Agency determination.

Exceptions were filed by Petitioner on December 3, 2014. Petitioner denied receiving adequate notice that she was required to produce certain bank account statements requested by the Agency. See Exceptions Letter at 2. In addition, Petitioner alleges he was denied access to his case. *Ibid.*

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the ALJ's Initial Decision and REMAND the matter back to the Agency.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. Petitioner applied for benefits from the WFNJ welfare program, N.J.S.A. 44:10-34, et seq., through her county welfare agency. Specifically, Petitioner sought WFNJ/GA benefits, which consists of cash assistance for adults without dependent children. N.J.A.C. 10:90-1.1(b).

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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. 10:90-1.6(a)(5).

Petitioner is a new WFNJ applicant asked by the Agency to produce bank account statements for the months of May and June of 2014 in order to determine his eligibility for GA benefits. See Initial Decision at 2. Due to Petitioner's failure to produce those documents, the Agency denied Petitioner's application. Ibid. Petitioner claims that he was never given proper notice that identified he was required to produce the bank statements. See Exceptions at 2. Although he did not provide the bank statements at his hearing on October 29th, Petitioner states he provided the ALJ with the statements on October 31st. Ibid. However, the Initial Decision indicates that the ALJ closed the record on October 29, 2014, and there is no indication that the ALJ left the record open for submission of the statements. Moreover, no copies of the statements purportedly provided to the ALJ are contained in, or referenced in the record, nor were they included with Petitioner's Exceptions.

While the record presented does seem to support Petitioner's claim that he was not provided with proper notice by the Agency regarding the requested documentation, there is also nothing in the record to support Petitioner's assertion in his Exceptions that he turned over the requested bank statements to the ALJ. However, as Petitioner has now represented that he has the documentation, this matter is remanded back to the Agency with the instruction that Petitioner must supply the Agency with the requested documentation within 30 days of receipt of this decision.

I note for Petitioner's benefit, that eligibility for receipt of Emergency Assistance benefits, which seems to be Petitioner's primary concern in this matter, is predicated on the determination of eligibility for receipt of WFNJ/GA benefits. See N.J.A.C. 10:90-6.1. As correctly noted by the ALJ, in order to determine eligibility for WFNJ/GA benefits, and thereafter eligibility for EA benefits, an applicant is required to provide various forms of documentation. While Petitioner may be correct in asserting he was not given proper notice requesting the needed documentation, it does not alter the fact that certain documentation will be needed by the Agency before WFNJ/GA eligibility can be determined. I further note that I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c).

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

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By way of further comment, the Agency is reminded of its responsibility to provide timely and adequate notice pursuant to N.J.A.C. 10:90-9.1.

Accordingly, the Initial Decision in this matter is ADOPTED and this matter is REMANDED back to the Agency. Petitioner is directed to provide copies of all relevant documents required by the Agency for a determination of benefits within 30 days of receipt of this decision.

**JAN -7 2015**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director