



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Chris Christie
Governor

Kim Guadagno
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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

REMAND DECISION

OAL DKT. NO. HPW 13011-15 J.D.

AGENCY DKT. NO. C496213 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to provide it with requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony. No documents were admitted into evidence. On October 2, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action, and remanded the matter back to the Agency for further consideration.

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 based on the discussion below.

In order to be found eligible for WFNJ benefits, the applicant must provide all necessary documentation, subject to good cause exceptions, requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5).

Here, the ALJ found that Petitioner made her best efforts to provide the Agency with the requested documentation but was unsuccessful. See Initial Decision at 3.

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Specifically, the record shows that Petitioner telephoned the office that held the requested documents, three times, and went to that office, three times, yet was unable to obtain the documentation. *Id.* at 2. Accordingly, the ALJ found that Petitioner had good cause for her failure to provide the Agency with the requested documentation, that the Agency should not have denied Petitioner EA benefits on that basis, and remanded the matter back to the Agency to reevaluate Petitioner's eligibility for EA benefits. *Id.* at 3. I concur.

Moreover, the ALJ opined that Petitioner may now be able to obtain the requested documentation, and therefore, the Agency may renew its request for the documentation, albeit keeping in mind the "good cause" exception should Petitioner, again, be unable to obtain said documentation. *Ibid.*; see also N.J.A.C. 10:90-2.2(a)(5). I concur.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the discussion above.

OCT 30 2013*Signed Copy on File*

at DFD, BARA

Natasha Johnson
Director