



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 7892-14 J.M.

AGENCY DKT. NO. GA511403 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA"). The Agency denied his request for EA on the basis that he had failed to establish eligibility for Work First New Jersey/General Assistance ("WFNJ/GA") and was therefore ineligible for EA. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On July 30, 2014, the ALJ issued an Initial Decision affirming the Agency action.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law that are contained in the Initial Decision.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. N.J.A.C. 10:90-1.2(f)(8).

However, an applicant can be deferred from the work requirement, and thus not be required to complete the 28-day work activity, if he is determined to be unemployable by the Agency, as substantiated by a completed Med-1 form. N.J.A.C. 10:90-2.9(a)(2)(x).

EA shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. N.J.A.C. 10:90-6.1(a). Only WFNJ and Supplemental Security Income recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2.

During the hearing the Petitioner admitted that he had failed to complete his 28-day work activity. See Initial Decision at 2. Additionally, the record indicates that the Petitioner failed to appear for a meeting scheduled with the one stop center. Exhibit R-4. Moreover, while the record indicates that the Petitioner has mental health needs, there is nothing on the record (such as a completed Med-1 form) which would support a finding that he was unemployable and thus deferred from his work requirement. As such, the Petitioner was not eligible for WFNJ/GA, and the Agency's denial of his application was appropriate. Because Petitioner is not a WFNJ/GA or SSI recipient, he is ineligible for EA. N.J.A.C. 10:90-6.2.

By way of comment, I note that the Petitioner is now free to reapply for WFNJ benefits and he is urged to do so. If he completes an application, the Agency shall immediately provide him with a Med-1 Form and refer him for a mental health assessment, as appropriate, in accordance with N.J.A.C. 10:90-5.15. The Agency shall address any immediate needs that Petitioner has pending the Agency's determination of his WFNJ/GA eligibility in accordance with N.J.A.C. 10:90-1.3.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

AUG 13 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director