



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 15173-14 J.R.

AGENCY DKT. NO. GA456437 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's closure of his Work First New Jersey/General Assistance ("WFNJ/GA") case and confiscation of approximately four months of issued benefits as having been "aged out." Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2015, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On January 26, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

N.J.A.C. 10:88-4.4 governs the aging of WFNJ cash benefit cases. If a WFNJ payee recipient does not access their cash account for a period of two months, the Agency must issue a notice advising the payee that they have not used any of the benefits rendered over those months and that if they do not spend some of the benefit balance in the next month, their benefits may stop. N.J.A.C. 10:88-4.4(a)(2). If a cash benefit case is inactive for three months, the Agency must close the case effective the first day of the following month and issue an adverse action notice. N.J.A.C. 10:88-4.4(a)(3)

The record in this matter shows that Petitioner contends he never received a warning notice, nor an adverse action notice indicating his unused GA payments were to "age out" as per N.J.A.C. 10:88-4.4. See Initial Decision at 2. The Agency provided no evidence to refute Petitioner's claim. Ibid. Consequently, I agree with the ALJ that Petitioner was not provided any warning notice, nor any adverse action notice as required by N.J.A.C. 10:88-4.4(a)(2) and (3). Petitioner is therefore entitled to the confiscated or terminated GA benefits.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

MAR 11 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director