



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 11728-15 K.C.

AGENCY DKT. NO. GA544417 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits as it contends she is ineligible because of her husband's prior drug distribution conviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 8, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence. On September 16, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

At the hearing, the ALJ found that the Agency denied Petitioner's application for WFNJ/GA because she shares a house with her husband, A.L., who was previously convicted of drug distribution in a school zone. See Initial Decision at 2. The ALJ acknowledged that, because of A.L.'s former drug conviction, he is ineligible for WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-18.6(b)(1)(ii)(3). However, under the WFNJ regulations, A.L. has been excluded from the assistance unit by virtue of his conviction. See Initial Decision at 2; see also N.J.A.C. 10:90-2.8(a)(8). Therefore, Petitioner is the only member of the assistance unit. See Initial Decision at 2. Therefore, the ALJ found, and I agree, that Petitioner cannot be excluded from WFNJ/GA eligibility because of the drug conviction of someone who is not part of her assistance unit. See Initial Decision at 2; see also N.J.A.C. 10:90-2.8(a)(8). Based upon the foregoing, the ALJ concluded, and I concur, that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, Petitioner is hereby put on notice that should she apply for EA benefits in the future, any household members who are not WFNJ benefits recipients, are ineligible for EA, and shall be required to pay their pro rata share of the rent.

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

DEC 28 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson

Director