



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 69-15 K.M.

AGENCY DKT. NO. GA304949 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits because he purportedly had not completed his 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the same day, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision and REVERSE the Agency determination.

It is anticipated the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). If the Agency does not timely determine an application, through no fault of the applicant, than the Agency shall act on the application in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3(a)(1). In addition, the Agency will ensure the applicant receives benefits retroactive to the date the application was signed. However, if the applicant is employable, eligibility shall commence after he or she has completed the 28-days in an employment related activity. N.J.A.C. 10:90-1.2(f)(8). Therefore, "[c]ash assistance shall be issued from the date eligibility is established, not the application date." Ibid.

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On October 2, 2014, Petitioner applied for WFNJ/GA benefits but was subsequently denied for an alleged failure to complete his 28-day job related requirement. See Initial Decision at 2. However, the record reflects that Petitioner did, in fact, complete his 28-day employment related activity as of November 6, 2014. Ibid; see also Exhibit P-1.

Based on the foregoing, I concur with the ALJ that Petitioner is eligible for retroactive WFNJ/GA benefits; however, such retroactive eligibility relates, not to the date of his application, but instead to the date he completed his WFNJ work requirement. N.J.A.C. 10:90-1.2(f)(8). Therefore, I modify the Initial Decision to the extent it directs the Agency to grant WFNJ/GA benefits retroactive to November 6, 2014, the date he completed his 28-day work activity.

Accordingly, the Initial Decision is MODIFIED and the Agency determination is REVERSED.

Signed Copy on File
at DFD, BARA

MAR 24 2015

Natasha Johnson
Deputy Director