



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625  
(609) 588-2400

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

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 7319-15 M.F.

AGENCY DKT. NO. GA579755 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because she allegedly failed to apply for Unemployment Insurance Benefits ("UIB"), and denied Petitioner EA benefits because she was not a WFNJ/GA cash recipient and there was no emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 18, 2015, the ALJ issued an Initial Decision, which reversed in part the Agency's denial of WFNJ/GA benefits, and affirmed in part the Agency's denial of EA.

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 MODIFY in part, and REJECT in part, the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency for a reevaluation of Petitioner's WFNJ/GA and EA eligibility.

Notwithstanding other criteria, in order to be found eligible WFNJ/GA for benefits, the applicant must provide all necessary documentation requested by the county welfare agency. N.J.A.C. 10:90-2.2(a)(5). Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2.

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In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing."

The record shows that Petitioner applied for WFNJ/GA benefits on March 23, 2015, and was told by the Agency, at that time, that she needed to apply for UIB. See Initial Decision at 2. Thereafter, Petitioner applied for UIB, and provided the Agency with proof of application on or around April 20, 2015. Ibid. Nevertheless, the Agency denied Petitioner WFNJ/GA benefits for failure to apply for UIB. Ibid. Accordingly, the ALJ found, and I concur, that the Agency improperly denied Petitioner WFNJ/GA benefits on that basis. Ibid. However, it cannot be concluded that Petitioner is eligible for WFNJ/GA benefits without further evaluation by the Agency of all other criteria necessary to determine WFNJ/GA eligibility, and the Initial Decision is modified to reflect this finding.

Additionally, at the time Petitioner was denied WFNJ/GA benefits, she was denied EA benefits because she was not a WFNJ/GA cash recipient, and there was no proof of an actual or imminent eviction from the shelter she was residing at. Ibid. The ALJ in this matter affirmed the Agency's denial of EA. Here, because I find that the Petitioner was improperly denied WFNJ/GA benefits, as discussed above, I find that she was improperly denied EA benefits. As such, I reject the ALJ's affirmance of the Agency's denial of EA. Further, Petitioner is residing in an emergency shelter, and the Agency cannot deny her EA benefits on a "no proof of emergency" basis. See *id.* at 3; see also Exhibit P-3.

Based on the foregoing, I remand the matter back to the Agency to reevaluate her for continued WFNJ/GA and EA eligibility.

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

*Signed Copy on File*  
at DFD, BARA

**JUL 15 2015**

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Natasha Johnson  
Director

**FAIR HEARING DECISION IMPLEMENTATION REPORT\***

Case Name: MS. MICHELLE FLAGG

Case Number: GA579755 HPW Number:7319-15

Date of Hearing Request: 5/8/2015

Date of Hearing Decision: 7/15/2015

Date Decision Mailed: \_\_\_\_\_

Date Decision Implemented: \_\_\_\_\_

\* Final action on hearing requests, including completion of corrective action pursuant to a final decision is required within the following time frames:

- Home Energy Asst. Program - 30 days
- Food Stamp Prog. (non Fraud) - 60 days
- All other Programs - 90 days

**Report on implementation requested immediately upon completion of required action.**

Description of Action Taken: (attach budget forms and/or narrative when appropriate)

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(Name & Title of Agency Representative)

Date Report Mailed: \_\_\_\_\_

DEPARTMENT OF HUMAN SERVICES  
New Jersey Division of Family Development  
Bureau of Administrative Review & Appeals  
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