



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 4908-15 O.P.

AGENCY DKT. NO. GA50574 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her Work First New Jersey/ General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's WFNJ/GA benefits for failing to provide the Agency with required information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On the same day, the ALJ issued an Initial Decision reversing the Agency's determination.

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 and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determination.

An applicant/recipient, as a condition of eligibility for WFNJ/GA benefits, shall, among other things, provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). 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.

In the instant matter, the issue is whether Petitioner provided the Agency with requested documentation in regard to her WFNJ/GA application; specifically how much and to whom Petitioner paid rent. See Initial Decision at 2; see also Exhibit R-5. Petitioner completed her 28-day work activity on December 1, 2014 and provided the Agency with a notice of completion. See Initial Decision at 2. The Agency then issued an adverse action notice on February 16, 2015, requesting the aforementioned information related to Petitioner's rent. Ibid; see also Exhibit R-5. After Petitioner received the letter on March 3, 2015, she visited the Agency only to find that her application was denied as of March 2, 2015, the day before she received the notice. Ibid. The Agency acknowledged Petitioner provided all the required information and the delay in processing her application was Agency error. Id. at 3.

The ALJ found the Agency was unable to meet its burden of proof that it properly denied Petitioner's application. I agree. Therefore, Petitioner is entitled to benefits as of the date of her completion of the 28-day work requirement, or December 1, 2014.

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

JUN 02 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director