



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
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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

FINAL DECISION

OAL DKT. NO. HPW 4721-15 T.B.

AGENCY DKT. NO. GA584025 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's WFNJ/GA and EA applications for purportedly failing to comply with the twenty-eight day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On April 14, 2015, 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). Unless deferred from the work requirement, an adult WFNJ/GA applicant is required to actively seek employment as a requirement for cash assistance. N.J.A.C. 10:90-4.1(a)(1). Specifically, employable WFNJ/GA applicants are required to participate in a minimum 28-day employment-related activity, before WFNJ eligibility can be established. *Ibid*; see also N.J.A.C. 10:90-2.2(a)(2). 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).

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, the individual must be a WFNJ or a Supplemental Security Income recipient. N.J.A.C. 10:90-6.2. Additionally, N.J.A.C. 10:90-6.1(c) provides, in relevant 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." N.J.A.C. 10:90-6.1(c).

In the instant matter, Petitioner completed her 28-day work activity on March 3, 2015, and provided the certification to the Agency of such on March 9, 2015. See Initial Decision at 2; see also Exhibit P-1 and P-2. Petitioner was denied EA benefits on March 7, 2015, and denied WFNJ/GA benefits on April 8, 2015, retroactive to March 7, 2015. See Initial Decision at 2; see also Exhibit P-3 and P-4. In both adverse action notices, the Agency cited a failure to complete the job requirement as the basis for the denial. *Ibid.* However, it is clear from the record that Petitioner completed the job requirement as noted above. Therefore, I agree with the ALJ's conclusion that there was no basis for the denial of both WFNJ/GA and EA benefits in this case. See Initial Decision at 3. Since Petitioner completed her work activity requirement on March 3, 2015, WFNJ/GA benefits will be granted retroactive to that date.

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

Signed Copy on File
at DFD, BARA

APR 28 2015

Natasha Johnson
Director