



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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Elizabeth Connolly
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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 405-15 T.S.

AGENCY DKT. NO. GA350177 (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. The Agency denied Petitioner's WFNJ/GA benefits for purportedly failing to provide the Agency with required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On February 11, 2015, the ALJ issued an Initial Decision reversing the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Acting 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.

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). The failure of the Agency to act promptly and timely is not itself a basis to deny or delay the issuance of WFNJ benefits. Ibid.

An applicant/recipient, as a condition of eligibility for WFNJ/GA benefits, shall, among other things, provide all necessary documentation, including contact information. 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).

In the instant matter, on October 21, 2014, Petitioner applied for recertification of her WFNJ/GA benefits. See Initial Decision at 2. After Petitioner did not receive benefits for the month of November, she returned to the Agency, who informed her that her application was pending review by the State. Ibid. The same situation repeated itself in December; except Petitioner finally received notice that her application had been denied effective December 15, 2014. Ibid. The Agency representative testified that the application was not received by the state reviewer until December 9, 2014. Ibid. On January 5, 2014, Petitioner completed a new application which was still pending at the time of the hearing. Ibid.

Based upon a review of the record, it appears that Petitioner provided the required documentation required by the Agency in her recertification in a timely manner. Although the state review team did not receive the file until December 9, 2014, pursuant to N.J.A.C. 10:90-1.5(a), this is not a basis to deny Petitioner's recertification application. In addition, Petitioner has produced a valid Med-1 form for deferral from the work requirement of WFNJ. See Exhibit P-1. Because she is not employable, Petitioner is entitled to receive retroactive benefits from the date of her application. See N.J.A.C. 10:90-1.2(f)(8). The issue here is whether Petitioner is entitled to benefits from the original reapplication date, October 21, 2014, or the new reapplication date, January 5, 2015. The ALJ concluded benefits should be retroactive to the initial application date. I agree.

Petitioner was denied benefits on December 15, 2014, because her, "GA application dated 10/21/2014 [was] over 30 days." See Initial Decision at 2; see also Exhibit R-1. Again, since Petitioner timely submitted her application and requisite documentation, the Agency's denial of her application is without merit. Therefore, Petitioner shall be entitled to benefits from the original application date of October 21, 2014.

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

Signed Copy on File
at DFD, BARA

APR - 6 2015

Natasha Johnson
Director