



DEPARTMENT OF HUMAN SERVICES

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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 4385-15 T.S.

AGENCY DKT. NO. GA533902 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits for failing to provide the Agency with requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 28, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 29, 2015, the ALJ issued her 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 considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby MODIFY the Initial Decision, REVERSE the Agency's determination, and REMAND this matter to the Agency for further action in accordance with this Final Decision.

An applicant/recipient, as a condition of eligibility for WFNJ/GA benefits, shall provide all necessary documentation requested by the county welfare agency. See N.J.A.C. 10:90-2.2(a)(5). Further, the applicant or recipient must be income and resource eligible and, accordingly, the deeming of income and resources is to be performed by the agency as appropriate. See N.J.A.C. 10:90-2(a)(4).

In the instant matter, on March 17, 2015, the Agency sent a Notification Form to Petitioner terminating her WFNJ/GA benefits effective March 23, 2015 and requesting documentation required for the redetermination of her continued eligibility. See Initial Decision at 2-3. Specifically, the Notification Form advised that the Agency was unable to redetermine Petitioner's WFNJ/GA eligibility because she needed to provide a statement from her roommate, from whom Petitioner borrows money to pay rent, indicating how much money her roommate pays toward rent and the way the roommate's contribution is made. See Initial Decision at 2. After receiving the Notification, Petitioner contacted the Agency and was advised how to request a Fair Hearing, which Petitioner did on March 23, 2015. See Initial Decision at 3.

At the hearing, Petitioner testified that she received \$140 monthly WFNJ/GA benefits for the past year, and also receives Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, as well as Medicaid. See Initial Decision at 2. Petitioner's rent is \$850 per month and she currently has a roommate who pays more than half the rent. Ibid. In fact, Petitioner's roommate sometime pays \$720 toward the rent, and Petitioner pays \$130 of rent from her WFNJ/GA benefits. Ibid. Occasionally, Petitioner earns a \$100 rent reduction by sweeping the hallways and performing other tasks for her landlord. Ibid.

The ALJ found that the Agency's Notification Form was improper because it included a request for additional information with the termination of Petitioner's WFNJ/GA benefits, and because it did not provide Petitioner with ten days' notice of the termination. See Initial Decision at 4. I agree with the ALJ that the Notification Form mailed by the Agency on March 17, 2015, indicating that Petitioner's WFNJ/GA benefits would be terminated on March 23, 2015 unless she provided the requested information, did not provide Petitioner with the ten-day notice required by the regulations. See Initial Decision at 3; see also N.J.A.C. 10:90-9.1 (timely notice is one mailed to recipient at least ten calendar days prior to effective date of action).

However, I disagree with the ALJ that the Notification Form was improper, and also disagree that a separate notice requesting information should have been sent by the Agency prior to its adverse action notice. See Initial Decision at 4. The Notification Form and the information contained therein were proper because the deeming of Petitioner's income and resources is essential to processing a WFNJ/GA eligibility redetermination for Petitioner. See N.J.A.C. 10:90-2(a)(4). Specifically, the way Petitioner's monthly rent is paid, and by whom, is a basic and necessary aspect of Petitioner's WFNJ/GA eligibility redetermination, and I find that the Agency's request for same in the Notification Form was clear and conspicuous.

Based on the foregoing, I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's denial, and ORDER that Petitioner should be provided with WFNJ/GA benefits retroactive to March 23, 2015, contingent upon Petitioner providing to the Agency, within ten (10) days from receipt of this Final Decision, information regarding how much her roommate pays toward her monthly rent and whether her roommate pays that amount directly to the landlord or to Petitioner. If Petitioner does not provide the additional information to the Agency within that time period, Petitioner's case will be closed by the Agency.

Accordingly, the Initial Decision in this matter is hereby MODIFIED as set forth above, the Agency's termination of Petitioner's WFNJ/GA is hereby REVERSED, and this matter is REMANDED to the Agency for further action in accordance with this Final Decision.

Signed Copy on File
at DFD, BARA

JUN 08 2015

Natasha Johnson
Director