



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 8495-15 Z.J.

AGENCY DKT. NO. GA547915 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his Work First New Jersey/General Assistance ("WFNJ/GA") application, as well as the pending status of his Emergency Assistance ("EA") application. The Agency denied Petitioner's WFNJ/GA application and deemed his EA application as pending because it contended that Petitioner was claimed as a dependent on his parent's federal income tax return. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 15, 2015, the Honorable Laura Sanders, Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. On June 15, 2015, the CALJ issued her Initial Decision reversing the Agency 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 CALJ's Initial Decision and, having made an independent review of the record, I concur with the CALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

The record reflects that Petitioner applied for WFNJ/GA benefits on January 28, 2015, and for EA in the form of shelter placement on February 6, 2015. See Exhibits P-2 and R-1. The Agency placed Petitioner's EA application in pending status while it sought to determine Petitioner's eligibility for WFNJ/GA. See Initial Decision at 2; see also Exhibit R-1. Because no determination was forthcoming, Petitioner requested a Fair Hearing, which was scheduled for May 12, 2015. Ibid.

At that hearing, Petitioner produced a document dated April 15, 2015 from the Internal Revenue Service ("IRS") entitled "Identify Theft," indicating that Petitioner's name and social security number were used by someone not connected with Petitioner to list Petitioner as a dependent on a federal income tax return. See Initial Decision at 2; see also Exhibit P-1. Petitioner testified that he has never resided at the address used on that person's tax return. Ibid. Petitioner agreed to withdraw and allow the Agency ten days to act on the IRS document that he had provided. See Initial Decision at 2; see also Exhibit R-2.

Petitioner testified that he has done everything the Agency required in order to qualify for WFNJ/GA, including fulfilling the 28-day work requirement twice. See Initial Decision at 2. Nevertheless, on May 31, 2015, Petitioner received a notice from the Agency advising that his WFNJ/GA application was denied effective January 28, 2015 because "[p]arent claimed client as a dependent in 2013 Federal Income Tax." Ibid.; see also Exhibit P-2.

The CALJ found that Petitioner provided sufficient proof that he is the victim of identity theft and that he was not claimed as a dependent by his parent on a U.S. 1040 Individual Income Tax Return. See Initial Decision at 3; see also N.J.A.C. 10:90-2.8(a)(15) and -2.8(a)(16). Accordingly, the ALJ concluded that Petitioner has demonstrated WFNJ/GA eligibility as of the completion date of his 28-day work requirement. See Initial Decision at 3. Therefore, the CALJ concluded, and I agree, that the Agency's denial of Petitioner's WFNJ/GA application should be REVERSED. See Initial Decision at 4. Further, I agree with the CALJ's ORDER that the Agency immediately provide benefits to Petitioner retroactive to the completion date of his 28-day work requirement pursuant to N.J.A.C. 10:90-1.2(f)(8). Ibid. Finally, because Petitioner's WFNJ/GA eligibility is no longer a barrier to the processing of his EA application, I agree with the CALJ's ORDER that the Agency immediately complete its evaluation of Petitioner's EA eligibility. Ibid. If the Agency determines that the Petitioner is not eligible for EA, it must issue notice of the denial in accordance with N.J.A.C. 10:90-9.1 et seq., and the Petitioner shall retain the right to request a Fair Hearing on that denial.

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

JUN 23 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director