



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 18073-17 C.B.

AGENCY DKT. NO. C080004015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits contending that she had exhausted her lifetime limit of WFNJ/GA benefits and did not qualify for a time limit exemption. The Agency terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient, nor was she a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 87 months of WFNJ/GA benefits. See Initial Decision at 2; see also Exhibits GA R-2 at 1, EA R-3, and EA R-4. As , Petitioner has exhausted her lifetime limit for WFNJ/GA benefits. See N.J.A.C. 10:90-2.3(a). Petitioner had been deferred from the required WFNJ work activity, and exempted from the WFNJ/GA time limit, based on her MED-1 form which indicated a 12-month disability. See Initial Decision at 2; see also Exhibit GA R-2 at 6, and N.J.A.C. 10:90-2.4(a)(3), -4.10(a)(2). Petitioner's MED-1 form also indicated that she required behavioral health/substance abuse treatment. See Initial Decision at 3; see also Exhibit GA R-2 at 6. Therefore, in order to continue to qualify for continued WFNJ/GA benefits, the Agency required Petitioner to come into the Agency to complete a Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") referral release form, and to provide proof of legal representation in her SSI claim. See Initial Decision at 3-4; see also N.J.A.C. 10:90-2.2(d), -18.1(e).

On November 9, 2017, the Agency sent a notice to Petitioner indicating that she must comply with the aforementioned requirements by November 20, 2017, or her WFNJ/GA benefits may be terminated, effective November 30, 2017. See Initial Decision at 3; see also Exhibit GA R-2 at 4. However, on November 17, 2017, prior to Petitioner's November 20, 2017, compliance date, the Agency terminated Petitioner's WFNJ/GA and EA benefits, effective November 30, 2017, and consequently terminated her EA benefits because she was no longer a WFNJ/GA benefits recipient. See Initial Decision at 5; see also Exhibits GA R-2 at 4, GA R-1, and EA R-10. Moreover, Petitioner testified that she did not receive the Agency's November 9, 2017, compliance notice, and the Agency did not contest or refute that testimony. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA and EA benefits was improper and must be reversed. *Id.* at 5-6; see also Exhibits GA R-1, EA R-10, and N.J.A.C. 10:90-2.2(d), -2.4(a)(3), -4.10(a)(2), 6.2(a), -18.1(e). I agree.

Exceptions to the Initial Decision were filed by the Agency on February 6, 2018.



F,15,N,C080004015X,0027,000006853227

BARA003

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that she must comply with SAI/BHI requirements, provide proof of a pending SSI claim, and proof of legal representation in that claim, within the time frame set by the Agency, or her WFNJ/GA and EA benefits may again be terminated.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

FEB 28 2018

Officially approved final version.

Natasha Johnson

Director

