



State of New Jersey

PHILIP D. MURPHY
Governor

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

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 04617-18 T.V.

AGENCY DKT. NO. C057393012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that she has exhausted her 60-month lifetime limit of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 9, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on May 18, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action and the reasons for the action. N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." N.J.A.C. 10:90-9.1(b)(1).

Here, the record reflects that by notice dated March 14, 2018, the Agency terminated Petitioner's WFNJ/TANF benefits because she had exhausted her lifetime limit of said benefits, and did not meet the criteria for an exemption from that time limit. See Initial Decision at 2; see also Exhibits R-1, R-2. The record also clearly shows that the March 14, 2018, notice advised Petitioner that she was no longer eligible to receive WFNJ benefits, and that her last monthly WFNJ/TANF benefit of \$517 was the benefit payment issued on March 1, 2018. See Exhibit R-1. However, the ALJ opined that Petitioner's WFNJ/TANF benefits were terminated, effective, March 1, 2018, and as such, that the Agency termination of Petitioner's WFNJ/TANF benefits was improper because it had not given Petitioner the requisite 10-day notice prior to its termination of said benefits. See Initial Decision at 4-7; see also Exhibit R-1, and



N.J.A.C. 10:90-9.1(b)(1). I respectfully disagree. Rather, I find that the March 14, 2018, notice clearly indicates that the monthly WFNJ/TANF benefits issued to Petitioner on March 1, 2018, would be her last, thereby making the actual effective date for the termination of Petitioner's WFNJ/TANF benefits, April 1, 2018, which is more than the 10-day notice required pursuant to N.J.A.C. 10:90-9.1(b)(1). See Initial Decision at 6; see also Exhibit R-1. Therefore, I find that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

Officially approved final version.

JUN 11 2018

Natasha Johnson

Director

