



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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 **12410-24 E.J.**

AGENCY DKT. NO. **S573531012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's sanctioning of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the termination of Emergency Assistance ("EA") benefits, and imposition of a six-month period of ineligibility for EA benefits. The Agency sanctioned and ultimately terminated Petitioner's WFNJ/GA benefits, contending that he failed to comply with his mandatory WFNJ work activity. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 24, 2024, and continuing on September 30, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 21, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 hereby MODIFY the Initial Decision and MODIFY the Agency's action, based on the discussion below.

Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-13. Specifically, regarding the Agency's sanctioning of the Petitioner's WFNJ/GA benefits, the ALJ found that Petitioner was enrolled in a mandatory WFNJ work activity, which he failed to attend for the requisite number of consecutive days required, without good cause. See Initial Decision at 2-6; see also Exhibit R-1 at 2-5; see also N.J.A.C. 10:90-4.1, -4.10, -4.11(a), (b), -4.13. Further, the ALJ found that Petitioner was given several opportunities to come into compliance with his required work activity, but continually failed to do so, also without good cause. Ibid. Accordingly, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 10, 13; see also Exhibit R-1 at 1, 6. I agree.

Additionally, regarding the Agency's termination of Petitioner's EA benefits, the ALJ found that Petitioner had executed an SP, wherein he agreed, among other things, to complete weekly housing search logs, and provide proof of same to the Agency, to participate in a mandatory Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program assessment, and to comply with assessed treatment requirements. See Initial Decision at 3-6; see also Exhibit R-2 at Ex. 1, 5, and N.J.A.C. 10:90-6.6(a). The ALJ also found, and the record reflects, that Petitioner had failed to comply with his SP, by failing to attend SAI/BHI program appointments, and by failing to provide proof of all required housing searches. See Initial Decision at 3-6; see also Exhibit R-2 at Ex. 4, 7, 11-13. Based on the foregoing, the ALJ concluded



that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 12-13; see also Exhibit R-2 at Ex. 8, and N.J.A.C. 10:90-6.6(a). I also agree, however, given the record presented in this matter, I find that a six-month EA ineligibility penalty is not warranted, and Petitioner may reapply for EA benefits. See N.J.A.C. 10:90-6.3(g). The Initial Decision and the Agency action are modified to reflect this finding.

Additionally, at the hearing, the Agency stated that, based on the fact that Petitioner has been deemed disabled by the Social Security Administration ("SSA"), it is willing to lift the sanction and reinstate Petitioner's WFNJ/GA benefits until such time as he begins to receive Supplemental Security Income ("SSI") benefits, contingent upon him reapplying for WFNJ/GA benefits, and providing the Agency with a MED-1 form indicating a 12-month disability. See Initial Decision at 3, 6, 10; see also Exhibit R-3, and N.J.A.C. 10:90-4.13(b)(2). As Petitioner's WFNJ/GA case was previously closed, I agree that Petitioner must reapply for WFNJ/GA benefits if he is not yet receiving SSI benefits, but I find that in accordance with regulatory authority, Petitioner is not required to provide the Agency with a 12-month MED-1 form, as he has been deemed disabled by the SSA and is to receive SSI benefits. *Ibid.*; see also N.J.A.C. 10:90-4.10(a)(2)(ii). The Initial Decision is further modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. December 05, 2024

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Natasha Johnson  
Assistant Commissioner

