



## State of New Jersey

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*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 **05868-24 F.L.**

AGENCY DKT. NO. **C018308010 (HUNTERDON 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") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she has exhausted her 60-month lifetime limit of said benefits, and terminated Petitioner's EA benefits, contending that she had exhausted her 12-month lifetime limit of said benefits, plus all available extensions and that she had failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 9, 2024, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 10, 2024, the ALJ issued an Initial Decision, modifying the Agency's determination to allow for one-fourth of her WFNJ/TANF and EA benefits based on her son's Supplemental Security Income ("SSI") status.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-2.8(a)(2), SSI recipients are ineligible for WFNJ/TANF benefits, except for the purposes of receiving EA benefits and burial assistance.

First, regarding the Agency's termination of Petitioner's WFNJ/TANF benefits, the ALJ found that Petitioner had received 82 months of combined WFNJ/TANF and WFNJ/General Assistance ("GA") benefits, and as such, she has exhausted her lifetime limit of WFNJ benefits. See Initial Decision at 3; see also Exhibit R-1 at 5-11, and N.J.A.C. 10:90-2.3(a) (1). Additionally, the ALJ found that Petitioner was not eligible for an exemption from, or extension of, WFNJ/TANF benefits. See Initial Decision at 3-6; see also N.J.A.C. 10:90-2.4(a)(3), (5). Specifically, the ALJ found that Petitioner had not provided a MED-1 form indicating a permanent disability, and that there was no indication that Petitioner was currently at risk of domestic violence, required elements for such an exemption from, or extension of, WFNJ benefits. *Ibid.*; see also Exhibit R-2. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 11, and N.J.A.C. 10:90-2.3(a) (1). I agree. However, the ALJ concluded that Petitioner's assistance unit of four was eligible for one-fourth of her WFNJ/TANF benefits based on her son's receipt of SSI benefits. See Initial Decision at 5; see Exhibit R-2. I respectfully disagree. Specifically, in accordance with regulatory authority, SSI recipients are not eligible for WFNJ benefits, and as such, I find that Petitioner's assistance unit is ineligible for WFNJ/TANF benefits, regardless of her son's SSI status. *Ibid.*; see also N.J.A.C. 10:90-2.8(a)(2). The Initial Decision is modified to reflect this finding.



Secondly, regarding the Agency's termination of EA benefits, the ALJ found that, as of the date of the fair hearing, Petitioner had received 25 months of EA benefits, and as such has exhausted her lifetime limit of EA benefits. See Initial Decision at 4, 6-7; see also Exhibit R-1 at 12-17, and N.J.A.C. 10:90-6.4(a). Additionally, the ALJ found that Petitioner was no longer a WFNJ benefits recipient, and was not an SSI benefits recipient, and on that basis was also ineligible for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.2(a). Further the ALJ found that Petitioner was ineligible for any applicable extension of EA benefits, and that there was no indication that Petitioner was currently at risk of domestic violence. See Initial Decision at 4-7; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(b), (f). The ALJ also found that Petitioner had violated the terms of her SP by failing conduct the required monthly housing searches, and by failing to apply for Section 8 housing. See Initial Decision at 3-4, 7-8; see also Exhibit R-1 at 18-22, and N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper. See Initial Decision at 5- , 7-8; see also Exhibit R-1 at; and N.J.A.C. 10:90-6.6(a). I agree. However, the ALJ concluded that Petitioner's assistance unit of four was eligible for one-fourth of her EA benefits based on her son's receipt of SSI benefits. See Initial Decision at 8; see also N.J.A.C. 10:90-6.2. I respectfully disagree. Rather, as Petitioner has exhausted her lifetime limit of EA benefits, that exhaustion of said benefits applies to Petitioner's entire assistance unit of four, regardless of her son's SSI status, and based on the ALJ's finding that Petitioner was ineligible for extension of EA benefits, I find that Petitioner is ineligible for one-fourth of her EA benefits. See Initial Decision at 6-8; see also Exhibit R-1 at 4-6; and N.J.A.C. 10:90-6.4(a), (b). The Initial Decision is also modified to reflect this finding.

By way of comment, based on Petitioner's contention that she is at risk of DV, the ALJ's advice that the Agency refer Petitioner for an updated DV assessment, and the relevant regulatory authority regarding an exemption from, or extension of, WFNJ/TANF and EA benefits, I direct the Agency to refer Petitioner for a DV assessment, on an expedited basis, and in accordance with findings of that assessment, to reevaluate Petitioner for continued WFNJ/TANF and EA benefits. See Initial Decision at 4-5, see also N.J.A.C. 10:90-2.4(a)(5), -6.4(f), -20.1 et seq. Should Petitioner again be found ineligible for WFNJ/TANF and EA benefits on the basis that she is at "no" or "low" risk of DV, then the Agency's April 3, 2024, termination of Petitioner's WFNJ/TANF and EA benefits shall stand.

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

Officially approved final version. May 16, 2024

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Natasha Johnson  
Assistant Commissioner

