



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **14950-24 M.D.**

AGENCY DKT. NO. **S472227014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she was no longer a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 25, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony, and admitted documents. On October 30, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and reinstating Petitioner's WFNJ/TANF and EA benefits through December 1, 2024.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I REJECT the Initial Decision and REMAND the matter to the OAL for rehearing.

Only WFNJ and Supplemental Security Income benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

N.J.A.C. 10:90-9.3(e), in pertinent part, states, "When a request for a fair hearing is made within 15 calendar days from the date of mailing of a notice of termination, suspension, or reduction, benefits shall continue at an unreduced level until the scheduled date of the administrative hearing or the date of the administrative review, unless the recipient waives such entitlement or requests postponement of the scheduled hearing or review date." Further, in accordance with N.J.A.C. 10:90-9.9(e), it is DFD's Bureau of Administrative Review and Appeals ("BARA") who determines if an appeal is timely such that continued benefits will be given pending a fair hearing.

Here, I note that the transmittal for this case reflects a sole contested issue regarding a termination of EA benefits alone. The record indicates that, by notice dated August 21, 2024, Petitioner's EA benefits were terminated because she was no longer a WFNJ/TANF benefits recipient. See Exhibit R-1 at 4. The adverse action notice in the record states that Petitioner's WFNJ/TANF benefits were terminated as a result of her receipt of Unemployment Insurance Benefits ("UIB"). Ibid.; see also N.J.A.C. 10:90-3.1(a), (c), -3.3(b), and, DFD Transmittal No. 19-21. I take official notice that the records of this office reflect that a fair hearing was requested by Petitioner on the termination of Petitioner's WFNJ/TANF benefits on September 9, 2024, and that the case was transmitted to OAL as a non-emergent matter, with no continued benefits pending the fair hearing, on September 25, 2024. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). That case, regarding the WFNJ/TANF termination, has been assigned OAL Docket number HPW 14247-24, but is still awaiting the fair hearing to be scheduled. The transmittal in the present matter reflects that on October 22, 2024, Petitioner



requested a fair hearing on the August 21, 2024, termination of EA benefits, two months after the date of the adverse action terminating said EA benefits. In accordance with N.J.A.C. 10:90-9.3(e), that fair hearing request was outside the regulatory 15 calendar days from the date of the notice of termination, and as such, Petitioner was not granted continuing EA benefits pending the fair hearing.

The ALJ in this matter, despite the above stated timeline and regulatory authority, nevertheless found Petitioner's request for a fair hearing to be timely, and therefore determined eligibility for both continued EA and WFNJ/TANF benefits, retroactive to August 21, 2024, and through "at least" December 1, 2024, and on this basis, the ALJ reversed the Agency's determination. See Initial Decision at 3-5.

I find the ALJ's determination, that Petitioner is eligible for continued EA and WFNJ/TANF benefits, is misplaced given the above referenced timeline. Moreover, without a fair hearing on the WFNJ termination issue, and without the benefit of any documents in the record to substantiate the Agency's termination of Petitioner WFNJ/TANF benefits, this office is unable to render an appropriate Final Agency Decision regarding the termination of Petitioner's EA benefits. Therefore, I respectfully disagree with, and hereby reject, the ALJ's Initial Decision in this case. I direct that the case be remanded back to the OAL for a new hearing, and that the EA matter be consolidated with the pending WFNJ/TANF case. The consolidated matter shall then be heard on an emergent basis and dispose of both the WFNJ/TANF and EA termination issues.

Based upon the foregoing, the Initial Decision is REJECTED and the matter is REMANDED to the OAL for a consolidated hearing, as discussed above, on an emergent basis, in accordance with N.J.A.C. 1:1-18.7(a).

Officially approved final version. November 04, 2024

Natasha Johnson
Assistant Commissioner

