



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 **06922-24 M.H.**

AGENCY DKT. NO. **C175219015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioners M.H. and S.R. appeal from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the termination Emergency Assistance benefits ("EA"), and the denial of an extension of EA benefits. The Agency terminated Petitioners' WFNJ/GA benefits, contending that their total monthly assistance unit income put them over the maximum allowable benefit level for WFNJ/GA benefits. The Agency also terminated Petitioners' EA benefits contending that they had exhausted their 12-month lifetime limit of EA benefits, and denied them an extreme hardship extension of those benefits, contending that they were not WFNJ or Supplemental Insurance Income ("SSI") benefits recipients. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An initial telephonic hearing was conducted May 28, 2024, but was adjourned to May 29, 2024, to allow S.R. the opportunity to provide an additional pay statement. On May 29, 2024, the Honorable Kathleen M. Calememo, Administrative Law Judge ("ALJ"), completed the plenary hearing, took testimony, and admitted documents.

On May 31, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. 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 3-6. Specifically, the ALJ found that the Agency had failed to properly calculate S.R.'s average monthly gross income, by failing to make the required income calculations using a prospective budgeting methodology, and failed to properly notice Petitioners regarding the application of the appropriate income disregards. Id. at 3-4, 6; see also Exhibits P-1, R-1, R-3; see also N.J.A.C. 10:90-3.1, -3.5, -3.8(b)(1), 3-11(d)(1)(ii). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-1. I agree. Further, the ALJ opined that a remand to the Agency was in order, for an appropriate determination of income using a prospective budgeting methodology with appropriate notifications to Petitioners. I also agree, and as such, I remand the matter to the Agency to recalculate Petitioners' eligibility for WFNJ/GA benefits, in accordance with the findings of the ALJ, and relevant regulations, and to properly notice Petitioners in accordance with N.J.A.C. 10:90-3.11. See Initial Decision at 4-6; see also Exhibits P-1, R-3, and N.J.A.C. 10:90-3.1, -3.5, -3.8(b)(1), 3-11(d)(1)(ii).

Additionally, the ALJ found that Petitioners had exhausted their 12-month lifetime limit of EA benefits, however, the Agency denied Petitioners an extreme hardship extension of EA benefits for the sole reason that they were not WFNJ/GA recipients. See Initial Decision at 6; see also Exhibit EA/R-1 through EA/R-3, EA/R-6, and N.J.A.C. 10:90-6.2(a). Based on the foregoing, the ALJ concluded that the Agency's reliance on its May 18, 2024, termination of Petitioners' WFNJ/GA benefits as the basis to deny Petitioners an extension of EA benefits was premature and inappropriate, and as such, the Agency's denial of such extension must be reversed. I also agree. See Initial Decision at 6; see also Exhibits R-1, EA/R-3.



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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency as outlined above.

Officially approved final version.

June 12, 2024

Natasha Johnson
Assistant Commissioner

