



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 **09931-24 S.H.**

AGENCY DKT. NO. **C149176020 (UNION COUNTY DIVISION 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 had exhausted her lifetime limit of said benefits, and did not qualify for an exemption from, or extension of, said time limit, and terminated her EA benefits because she was no longer a WFNJ benefits recipient and was not a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 4, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 5, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 6, 2024.

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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

"Eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual." See N.J.A.C. 10:90-2.3(a). "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ] assistance." See N.J.A.C. 10:90-2.3(a)(1). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5 respectively. In relevant part, a recipient is exempt from the 60-month cumulative lifetime WFNJ limit if a "physical or mental impairment, defect or injury prevents him or her from engaging in full-time employment for a period of 12 or more months ... on a minimum of one WFNJ/MED-1, Examination Report." N.J.A.C. 10:90-2.4(a)(3)(i).

Pursuant to N.J.A.C. 10:90-6.2(a), only WFNJ and SSI benefits recipients are eligible for EA benefits.

Here the record reflects that Petitioner had exceeded her 60-month lifetime of WFNJ/TANF benefits, and as such, the ALJ found that Petitioner has exhausted her maximum lifetime of available WFNJ/TANF benefits. See Initial Decision at 2, 5; see also Exhibit R-1, and N.J.A.C. 10:90-2.3(a). The ALJ also found that Petitioner is "temporarily disabled," as evidenced by her MED-1 form indicating a six-month disability from August 30, 2024, through February 28, 2025. See Initial Decision at 4-6; see also Exhibit R-4, and N.J.A.C. 10:90-2.4(a)(3)(i). Further, the ALJ found that Petitioner has an SSI application pending, and as such, I find that Petitioner is not currently an SSI benefits recipient, nor does the record indicate that any of her children are SSI benefit recipients. See Initial Decision at 5; see also "Application Summary of



Disability Insurance Benefits,” and N.J.A.C. 10:90-6.2(a). Nevertheless, the ALJ concluded that Petitioner is eligible for WFNJ/TANF benefits, and consequently, also eligible for EA benefits, and reversed the Agency’s determination. See Initial Decision at 6-7; see also Exhibit R-1. Specifically, the ALJ determined that judicial intervention was required, and reached that conclusion, based on a totality of Petitioner’s circumstances, and a finding that the Agency had advised Petitioner to find affordable housing, which she did in April 2024, signing a one year lease, at which time the Agency had provided Petitioner with EA benefits in the form of a security deposit, first month’s rent, and rent for the month of May 2024, and then shortly thereafter, the Agency terminated her WFNJ/TANF benefits based on exhaustion, resulting in her EA benefits also being terminated, and an eviction complaint being filed against her, with an eviction date of September 17, 2024. See Initial Decision 2-6; see also Exhibits P-1, P-2. Based on the foregoing, the ALJ found that the termination of Petitioner’s WFNJ/TANF and EA benefits to be inequitable, extremely prejudicial, and would constitute an undue hardship upon Petitioner and her two minor children. See Initial Decision 3-4. While I am understanding of Petitioner’s circumstances, the record reflects that the Agency had informed Petitioner of the possible termination of said benefits at a time limit case conference conducted with Petitioner on April 15, 2024, advising her that in order to continue receiving WFNJ/TANF benefits she would need to provide the Agency with a 12-month MED-1 form and proof of having filed an SSI claim. See Initial Decision at 2; see also Exhibit R-3. Although it appears that Petitioner had ample time to obtain a 12-month MED-1 form prior to the Agency’s May 1, 2024, termination of her WFNJ/TANF benefits, no such MED-1 form was provided. See Initial Decision at 7. Based on the facts, and record in this case, I find that there is no regulatory authority upon which WFNJ/TANF benefits and/or EA benefits may be awarded to Petitioner by the Agency. See N.J.A.C. 10:90-2.4(a)(3)(1), -2.5, -6.2(a). Accordingly, I affirm the Agency’s termination of Petitioner’s WFNJ/TANF and EA benefits. See Exhibit R-1.

By way of comment, should Petitioner obtain a completed 12-month MED-1 form from her attending physician, or is awarded SSI benefits, she may reapply for WFNJ/TANF and EA benefits. See N.J.A.C. 10:90-2.4(a)(3)(i), -6.2(a).

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

Officially approved final version.

September 13, 2024

Natasha Johnson

Assistant Commissioner

