



## 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 **07084-24 V.R.**

AGENCY DKT. NO. **C171304007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, and the reduction of Petitioner's Supplemental Nutrition Assistance Program ("SNAP") benefits allotment. The Agency denied Petitioner WFNJ/GA benefits because she had exceeded the 60-month cumulative lifetime limit for said benefits, denied Petitioner EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient, and reduced Petitioner's SNAP benefits, due to a change in household composition. A hearing was initially scheduled for October 10, 2024, but the Agency failed to appear. A new notice was then mailed to the parties, rescheduling the hearing for October 17, 2024. In addition, an email was sent to each party regarding the new hearing date. See Initial Decision at 2. The hearing was rescheduled for October 17, 2024, but again, the Agency failed to appear. Petitioner appeared at both the October 10 and October 17 hearings. On October 18, 2024, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), issued an Initial Decision, vacating the Agency's denials, and remanding the matter back to the Agency, to determine if Petitioner was eligible for any extension or exception to the lifetime limit, and to provide Petitioner with time to submit any additional information, and to reconsider and recalculate Petitioner's SNAP benefits from April 1, 2024, to the present based upon the appropriate custody agreement.

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 I hereby MODIFY the Initial Decision, REVERSE the Agency's determinations and REMAND the matter back to the Agency for action, based on the discussion below.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; Retirement, Survivors and Disability Insurance; [SSI]; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." See N.J.A.C. 10:90-1.12.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, and must participate in any appeals process, as appropriate.

"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)



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(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." See N.J.A.C. 10:90-2.4(a)(3)(i).

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

Here, the ALJ found that the Agency had been given appropriate notice of both scheduled hearing dates and failed to provide good cause for such failures to appear. See Initial Decision at 2. Petitioner testified that she applied for, and had been denied, EA benefits which were intended to cover the costs of a storage unit for her personal belongings when she was homeless. Ibid. Petitioner further testified that the Agency had informed her that, despite having exhausted her 60-month cumulative lifetime limit of WFNJ benefits, she could receive an extension of said benefits, and by extension may be eligible for EA benefits, if she submitted proof of a pending SSI application and a MED-1 form. Ibid.; see also N.J.A.C. 10:90-1.12, -2.2(a)(3), -2.4(a)(3)(i), -6.2(a). Petitioner testified that she submitted an SSI application and MED-1 form to the Agency, and that since submission of same, she has been approved for SSI benefits. See Initial Decision at 2. The ALJ found, based upon Petitioner's credible testimony, that the denial of Petitioner's EA application was improper. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a). While I agree, the Initial Decision is modified to reflect the applicable legal bases, cited above.

The ALJ additionally found, based upon Petitioner's credible testimony, that her SNAP benefits were reduced due to the composition of her household changing, as her daughter no longer resided with Petitioner. See Initial Decision at 3. Petitioner testified that she has shared legal custody of her daughter and that the current custody agreement was not properly considered by the Agency, leading to an improper reduction of her SNAP benefits. Ibid. The ALJ concluded that, without an appearance by the Agency, or the introduction of testimony or documentary evidence, there is no way to determine if the reduction of Petitioner's SNAP benefits was proper. Ibid. I also agree.

Based on the foregoing, the ALJ directed that the Agency's denial of WFNJ/GA benefits be vacated. Ibid. I agree and direct that the Agency shall confirm Petitioner's representation that she has since been approved for SSI benefits, which if accurate, would render her ineligible for WFNJ cash benefits, but eligible for EA benefits. If Petitioner has indeed begun receiving SSI benefits, then the Agency shall process Petitioner's EA application. As directed by the ALJ, if further documentation or information is necessary to process Petitioner's EA application, the Agency shall provide Petitioner with written notification of what is to be submitted and provide Petitioner with 20 days to submit same. Finally, I also agree with the ALJ that the Agency is to reconsider and recalculate, as appropriate, Petitioner's SNAP benefits allotment following consideration of the parenting schedule and if any support is being paid to Petitioner during the time that Petitioner's daughter is in her custody. Each of the foregoing directives shall be done expeditiously, given the extended period of time which has passed since the Agency's adverse actions in this matter.

By way of comment, the Agency is reminded of its responsibility to appear for hearings before an ALJ, as well as its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

Accordingly, the Initial Decision in this matter is hereby MODIFIED, the Agency's determinations are REVERSED, and the matter is REMANDED for further action, as outlined above.

Officially approved final version. December 04, 2024

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Natasha Johnson  
Assistant Commissioner

