



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Director

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 07563-18 D.P.

AGENCY DKT. NO. C206999016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that she had exhausted her lifetime limit for said benefits, and did not qualify for an exemption from the WFNJ benefits lifetime limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 31, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the Agency the opportunity to confirm if Petitioner had applied for WFNJ/TANF benefits on April 27, 2018. No such confirmation having been provided, the record closed on June 5, 2018. On June 5, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 6, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the ALJ found, and the record substantiates, that Petitioner was notified by the Agency on January 10, 2017, that her WFNJ/TANF benefits would be terminated April 1, 2017, if she failed to comply with her WFNJ work activity. See Initial Decision at 2-3; see also Exhibit R-1 at 11. Petitioner failed to comply with her work activity, and her WFNJ/TANF benefits were terminated, effective April 1, 2017. *Ibid.* Petitioner did not appeal that termination, but rather, closed her WFNJ/TANF case when she moved to Pennsylvania to live with her mother in June 2017. See Initial Decision at 3, 4. After moving back to New Jersey, Petitioner reapplied for WFNJ/TANF benefits on October 25, 2017, and was denied said benefits on that same date because she had exhausted her lifetime limit of WFNJ benefits, and did not qualify for an exemption from that time limit. *Id.* at 3, 5; see also Exhibit R-1 at 2, 10. Petitioner did not appeal that denial. See Initial Decision at 5. Petitioner did not deny that she had received notice of the aforementioned Agency actions, but rather, testified that she was unaware that she could appeal those Agency decisions. *Id.* at 4, 5. The ALJ concluded that Petitioner's April 27, 2018, and May 23, 2018, requests for a fair hearing were filed more than 90 calendar days from the date of the Agency's April 1, 2017, and October 25, 2017, adverse actions, and as such, that her time to appeal had expired. *Id.* at 6-7; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-9.10(a), (b). Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits was appropriate and must be affirmed. See Initial Decision at 7; see also Exhibit R-1 at 11, and N.J.A.C. 10:90-9.10(a), (b). I agree. Although Petitioner claimed that her current request for a fair hearing was based on a denial of an April 27, 2018, application for WFNJ/TANF benefits, the ALJ found that Petitioner failed to provide any proof to substantiate that claim. See Initial Decision at 5.



Additionally, the transmittal in this matter reflects an additional contested issue regarding a denial of EA benefits, which was not addressed by the ALJ in the Initial Decision. However, because Petitioner is not a WFNJ or Supplemental Security Income benefits recipient, I find that she is ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

JUN 11 2018

Natasha Johnson
Director

