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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 03209-18 J.N.

AGENCY DKT. NO. C432557004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA and EA benefits because Petitioner is a college student and therefore ineligible for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2018, the Honorable Susan L. Olgiate, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On March 9, 2018, the ALJ issued an Initial Decision affirming the Agency's determination.

Petitioner filed Exceptions to the Initial Decision on March 12, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the determination by the Agency.

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

Here, the record reflects that Petitioner is a full-time college student. See Initial Decision at 2; see also Exhibit R-5. The Agency denied Petitioner's application for WFNJ/GA and EA benefits on February 28, 2018, as college students are ineligible for WFNJ/GA and EA benefits. See Initial Decision at 2; see also Exhibit R-1 to R-3. While the Agency cited to the New Jersey Administrative Code in its denial notice, the ALJ correctly concluded that the proper basis for the Agency's denial is, in fact, the 2013 Appropriations Act ("Act"), P.L. 2012, c.18., which declared that college students are ineligible for WFNJ/GA and EA benefits as of July 1, 2012. See Initial Decision at 3-5; see also FYE 2013 Appropriations Act (P.L. 2012, c.18), and FYE 2014 Appropriations Act (P.L. 2012, c.77), and DFD Instruction 12-08-03.

The Appropriations language, prohibiting the extension of WFNJ/GA and EA benefits to those single adults enrolled in college, has been extended in each successive fiscal year budget cycle, including the current budget. See <http://www.nj.gov/treasury/omb/publications/18budget/pdf/FY18BudgetBook.pdf> at D-215 ("Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, 'college' is defined as that term is defined at N.J.A.C. 9A:1-1.2.") (emphasis added). As such, the ALJ concluded that Petitioner is ineligible for WFNJ/GA and EA benefits, and affirmed the Agency's denial of WFNJ/GA and EA benefits. See Initial Decision at 3, 6; see also Exhibit R-1 at 1-3, and 2013 Appropriations Act, supra. I agree. The ALJ also noted that the provisions of the



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Appropriations Act do not conflict with the Americans with Disabilities Act. See Initial Decision at 5 (citing Volt Info. Sci., Inc. v. Bd. of Trs., 489 U.S. 468, 477 (1989) (other citation omitted)). I also agree.

By way of comment, I have reviewed Petitioner's Exceptions and find that the arguments made therein do not alter my opinion in this matter. See N.J.A.C. 10:90-6.2(a) (stating that only WFNJ benefits recipients and SSI benefits recipients are eligible for EA benefits) and 2013 Appropriations Act, *supra*.

By way of further comment, the Initial Decision indicates that the third transmitted issue in this matter, pertaining to a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, had been resolved. See Initial Decision at 2, n. 1. As such, it is not addressed in this Final Decision.

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

Officially approved final version.

MAR 14 2018

Natasha Johnson

Director

