



State of New Jersey

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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 11060-18 P.M.

AGENCY DKT. NO. C602904007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits contending that he had exhausted his lifetime limit of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 24, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, age 60, has received at least 60 months of WFNJ/TANF benefits, and as such, he has exhausted his lifetime limit of WFNJ/TANF benefits. See Initial Decision at 2-3; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-2.3(a). Based on the foregoing, the Agency terminated Petitioner's WFNJ/TANF benefits, and also contends that Petitioner does not meet the criteria for an exemption from that time limit. See Initial Decision at 2; see also Exhibits P-2, R-1, R-2, and N.J.A.C. 10:90-2.3(a)(1), -2.4. However, the ALJ found that according to regulatory authority, Petitioner is eligible for an exemption from the WFNJ/TANF benefit time limit because he is 60 years of age. See Initial Decision at 3; see also N.J.A.C. 10:90-2.4(a)(1). Therefore, the ALJ concluded that the Agency improperly terminated Petitioner's WFNJ/TANF benefits. See Initial Decision at 3. I agree.

The record also reflects that Petitioner is not in compliance with his required WFNJ work activity. See Initial Decision at 2; see also Exhibit R-3. The ALJ found that although Petitioner is exempt from that WFNJ/TANF benefits time limit, that he is still required to comply with the WFNJ work activity until age 62, in accordance with N.J.A.C. 10:90-4.10(a)(1). See Initial Decision at 3-4; see also N.J.A.C. 10:90-4.2. Based on the foregoing the ALJ noted that Petitioner is not deferred from the WFNJ work activity, and ordered Petitioner to comply with said work activity. See Initial Decision at 4. I also agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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, and the Agency's determination is REVERSED.



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Officially approved final version.

SEP 28 2018

Natasha Johnson

Director

