



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 16981-18 A.G.

AGENCY DKT. NO. C364883007 (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"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her 60-month lifetime limit of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2018, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 22, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on January 30, 2019.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

"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).

Here, the record reflects that Petitioner has received 108 months of WFNJ/TANF benefits, and as such, she has exhausted her lifetime limit for said benefits. See Initial Decision at 2; see also Exhibits R-1, R-6, R-7, and N.J.A.C. 10:90-2.3(a). The record also reflects that Petitioner has a six-month MED-1 form, and therefore, she is ineligible for an exemption from the WFNJ benefits lifetime limit, as a 12-



month MED-1 form is required for such exemption. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-2.4(a)(3)(i). Based on the foregoing, I concur with the ALJ's conclusion that the Agency's termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4. Of note, Petitioner resides in subsidized housing and pays no rent, and as such, does not need Emergency Assistance ("EA") benefits. Id. at 2; see also Exhibit R-6. Therefore, I find that the ALJ's discussion and conclusion regarding EA benefits is not applicable in this instance. See Initial Decision at 3-4. The Initial Decision is modified to reflect these findings.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding a termination of SNAP benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of SNAP benefits, she may request another fair hearing on that issue alone.

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

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

FEB 27 2019

