



## 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 13285-19 L.C.

AGENCY DKT. NO. S618870012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her 60-month lifetime limit, and terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient and was not a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 8, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 25, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

The State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), also known as Emergency Assistance for Specific Groups ("EASG"), extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form. See DFD Instruction No. 19-02-01.

Here, the record reflects that Petitioner had received 72 months of WFNJ/TANF benefits as of September 2019, and as such, Petitioner had exhausted her lifetime limit of said benefits. See Initial Decision at 3; see also Exhibit R-2 at A, B. The Agency determined that Petitioner did not qualify for an exemption from the WFNJ benefits lifetime limit, contending that she did not have a valid 12-month MED-1 form, and terminated her WFNJ/TANF benefits, effective October 1, 2019. See Initial Decision at 2-3; see also Exhibits R-2 at D, E, G, R-3, and N.J.A.C. 10:90-2.3(a), -2.4(a)(3)(i). However, the ALJ found that the revised MED-1 form, submitted to the Agency on July 22, 2019, indicated that Petitioner had a 12-month disability from June 6, 2019, through June 6, 2020, and therefore, Petitioner qualified for an exemption from the WFNJ benefit time limit, albeit only through September 30, 2019, the date



upon which Petitioner had received the maximum allowable 72 months of WFNJ benefits. See Initial Decision at 4-5; see also Exhibit R-1 at E, and N.J.A.C. 10:90-2.3(a), -2.4(a)(3)(i). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, effective October 1, 2019, was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-3.

While I agree with the ALJ's finding, that Petitioner had a valid 12-month MED-1 form, which made her eligible for an exemption from the WFNJ time limit, I respectfully disagree with the ALJ's finding that Petitioner's time limit exemption expired on September 30, 2019. See Initial Decision at 5-6. Rather, I find that Petitioner's receipt of 72 months of EA benefits is irrelevant in determining Petitioner's eligibility for an exemption from the WFNJ benefits time limit, and that it is Petitioner's MED-1 form that determines her eligibility for, and the duration of, her exemption from said time limit. See Exhibit R-1 at E; see also N.J.A.C. 10:90-2.4(a)(3)(i). Accordingly, I find that Petitioner is eligible for an exemption from the WFNJ benefits time limit through June 6, 2020, the date that her MED-1 form expires. Ibid. Based on the foregoing, I find that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Exhibit R-3. The Initial Decision is modified to reflect these findings.

Further, the record also reflects that the Agency terminated Petitioner's EA benefits, effective October 1, 2019, because she was no longer a WFNJ benefits recipient. See Initial Decision at 3, 6; see also N.J.A.C. 10:90-6.2(a). The ALJ found that Petitioner was only eligible for EA benefits through the end of September 2019, because Petitioner was only eligible for WFNJ/TANF benefits through that date, and as such, concluded that the Agency's termination of Petitioner's EA benefits, effective October 1, 2019, was proper and must stand. See Initial Decision at 6. Again, I respectfully disagree. Although it is not clear from the record how many months of EA benefits Petitioner has received to date, by virtue of her 12-month MED-1 form, I find that regardless of whether Petitioner has exhausted her lifetime limit of EA benefits, she would be eligible for an extension of EA benefits in accordance with S866, so long as she remains a WFNJ, or SSI, benefits recipient. See Exhibit R-3; see also DFDI No. 19-02-01. Moreover, the Agency acknowledged that Petitioner would be eligible for EA benefits, but for the Agency's termination of Petitioner's WFNJ/TANF benefits. See Initial Decision at 6. Therefore, because I have determined that Petitioner is eligible for WFNJ/TANF benefits, I find that Petitioner is also eligible for EA benefits, and hereby reverse the Agency's termination of Petitioner's EA benefits. See Exhibit R-3, and S866. The Initial Decision is also modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

OCT 31 2019

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Natasha Johnson  
Assistant Commissioner

