



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 **00278-25 A.F.**

AGENCY DKT. NO. **C077106001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner's application for WFNJ/GA benefits contending that he 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 February 24, 2025, the Honorable Gauri Shirali Shah, Administrative Law Judge, ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 27, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 MODIFY the Agency's determination, based on the discussion below.

It should be noted that while N.J.A.C. 10:90-2.11(b)(3) outlines the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18. Pursuant to the Act, college students became ineligible for WFNJ/GA benefits as of July 1, 2012. Ibid.; see also FY 2014 Appropriations Act (P.L. 2012, c.77), and DFD Instruction ("DFDI") No. 12-08-03. The Appropriations language prohibiting the extension of WFNJ/GA benefits to those single adults enrolled in college has been extended in each successive fiscal year budget cycle, including the 2024 budget. See <https://www.nj.gov/treasury/omb/publications/24approp/AppropriationsHandbookFull.pdf> at B-142 ("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 at N.J.A.C. 9A:1-1.2.").

Here, the record reflects that Petitioner applied for WFNJ/GA benefits on October 15, 2024. See Initial Decision at 2; see also Exhibit R-1. The ALJ in this matter, analyzing the case under N.J.A.C. 10:90-2.11(b)(3), found that Petitioner was a part-time college student, was unemployed, resided with his parents, and did not present any medical documentation stating that he was unable to work. See Initial Decision at 2. Therefore, the ALJ agreed with the Agency's determination that Petitioner was ineligible to receive WFNJ/GA benefits. Id. at 2-3; see also N.J.A.C. 10:90-2.11(b)(3). While I agree with the ALJ's final conclusion, both the Initial Decision and the Agency determination are modified to reflect that the proper legal analysis, and basis for the Agency's denial, is under the Appropriations Act, as the regulatory authority relied upon by the ALJ has been superseded by the Appropriations Act, and on that basis, I find that the Agency's denial of



WFNJ/GA benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibit R-1, and 2013 Appropriations Act (P.L. 2012, c.18), FY 2024 Appropriations Act (P.L. 2023, c.74), DFDI No. 12-08-03.

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

Officially approved final version. April 03, 2025

Natasha Johnson
Assistant Commissioner

