



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 **05791-25 H.T.**

AGENCY DKT. NO. **C874928007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 she 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 April 7, 2025, the Honorable Patrice E. Hobbs, Administrative Law Judge, ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 8, 2025, the ALJ issued an Initial Decision, reversing 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 REVERSE 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10:90-2.11(b)(3) outlines the eligibility criteria for college students seeking WFNJ/GA benefits, this regulation was superseded by the 2013 Appropriations Act ("Act"), P.L. 2012, c.18.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 February 3, 2025, at which time she responded to certain application questions which made her student status ambiguous. See Initial Decision at 2; see also Exhibit R-1. Notably, Petitioner indicated that she was currently in school, that her highest level of education was as a college freshman, but also that she was not enrolled in a post-secondary educational institution. *Ibid.* On March 13, 2025, the Agency denied Petitioner's application, citing that she was not eligible for benefits as college students are ineligible to receive WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-2.11, 2013 Appropriations Act (P.L. 2012, c.18), FY 2024 Appropriations Act (P.L. 2023, c.74), and DFD Instruction ("DFDI") No. 12-08-03. The Agency requested proof from Petitioner regarding her status as a college student, as well as that she was not receiving unemployment benefits. See Initial Decision at 3; see also Exhibit P-1. Petitioner provided a March 6, 2025 screenshot of her course



enrollment for Fall 2024, indicating she had taken a one credit course. See Initial Decision at 3; see also Exhibit P-2. Further, Petitioner complied with the Agency's request of uploading her proofs, including her denial for unemployment benefits, on March 7, 2025. See Initial Decision at 3; see also Exhibit P-3. Petitioner additionally paid to receive a copy of her enrollment status, which was provided to the Agency, showing her enrollment status as August, 2024 to December, 2024. See Initial Decision at 3; see also Exhibit P-5. The ALJ found that, while Petitioner was enrolled in college during fall 2024, she did not register for, nor take, any classes during 2025, and in relying upon the testimonial and documentary evidence presented, the ALJ concluded that Petitioner was not enrolled in college at the time of her February 3, 2025 WFNJ/GA application, which would make her eligible for WFNJ/GA benefits. See Initial Decision at 3-4; see also Exhibit P-5. As such, the ALJ found that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5. I agree, but modify the Initial Decision to reflect that the language prohibiting college students qualifying for WFNJ/GA benefits has continued through successive budget years, including the present. See Initial Decision at 4; see also 2013 Appropriations Act (P.L. 2012, c.18), FY 2024 Appropriations Act (P.L. 2023, c.74), DFDI No. 12-08-03. As such, I direct the Agency to provide Petitioner retroactive WFNJ/GA benefits effective the date of Petitioner's application, February 3, 2025, as well as prospective WFNJ/GA benefits.

By way of comment, the transmittal reflects an issue pertaining to a denial of EA benefits. However, no current adverse action pertaining to EA benefits is included in the record in this matter, and a prior EA denial, dated February 14, 2025, was already the subject of a fair hearing, for which this office rendered a Final Agency Decision dated March 26, 2025, under OAL Docket number HPW 04418-25. Therefore, Petitioner should reapply for EA benefits, if she has not already done so, and the Agency is directed to expedite said application.

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

Officially approved final version. April 15, 2025

Natasha Johnson
Assistant Commissioner

