



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **15154-24 J.J.**

AGENCY DKT. NO. **C280382009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the denial of Supplemental Nutrition Assistance Benefits ("SNAP") benefits. The Agency denied Petitioner's May 2024 applications for WFNJ/TANF and SNAP benefits, contending that she failed to provide required documentation needed to determine WFNJ/TANF and SNAP benefits eligibility. The Agency denied Petitioner's July 2024 application for WFNJ/TANF benefits because she had exhausted the 60-month lifetime limit for said benefits, and did not meet the criteria for an exemption from the WFNJ/TANF benefits time limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was initially scheduled for January 8, 2025, at which time it was postponed due to a request from Petitioner's counsel. On January 28, 2025, the Honorable Daniel J. Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 18, 2025, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determinations.

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, I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency's determination as to the May 2024 denials, and REVERSE and REMAND the matter to the Agency for further consideration of the July 2024 denials, based on the discussion below.

"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." 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). Further, as an overall regulatory requirement for receipt of WFNJ cash benefits, an applicant/recipient must apply for all other assistance that he/she may be eligible for, which includes applying for Supplemental Security Income ("SSI") benefits. See N.J.A.C. 10:90-2.2(a)(3).

Separately, consistent with the WFNJ regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [...] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request a waiver of WFNJ



program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), and -20.4(a)(2), (b)(2). The FVO does not authorize the provision of WFNJ benefits indefinitely based on an individual's history of domestic violence. See DFDI 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.7, -20.8, -20.9, and DFDI No. 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months or sooner depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c)(1), -20.9(c)(1).

Here, the ALJ found that Petitioner had failed to provide the Agency with the requested documentation required to determine her eligibility for WFNJ/TANF and SNAP benefits. See Initial Decision at 3. The record reflects that, on June 3, 2024, in response to Petitioner's May 30, 2024, WFNJ/TANF and SNAP applications, the Agency emailed and mailed Petitioner a list of documents and information that needed to be submitted to the Agency in order to determine benefits eligibility. *Ibid.*; see also Exhibit R-8. Petitioner did not provide the requested information. See Initial Decision at 3; see also N.J.A.C. 10:90-2.2(a)(5). Accordingly, the ALJ found that Petitioner had failed to timely provide the Agency with the required documentation necessary to determine Petitioner's eligibility for WFNJ/TANF and SNAP benefits, and concluded that the Agency's July 1, 2024, denial of Petitioner's May 2024 application for said benefits was proper and must stand. *Id.* at 6; see also N.J.A.C. 10:87-2.19, -2.20 and 10:90-1.6, -2.2. I agree.

Following the July 1, 2024 denial, Petitioner again applied for WFNJ/TANF and SNAP benefits, which was subsequently denied on August 19, 2024, stating that Petitioner had exhausted the 60-month lifetime limit for benefits, as well as that she had failed to provide her child's birth certificate and a copy of her lease. See Initial Decision at 4-5; see also Exhibit R-9. At the time of her application, Petitioner indicated that she suffers from mental impairment, however, she did not specify her diagnosis or its impact upon her life or ability to work. *Id.* at 4; see also Exhibit R-11. At the hearing, Petitioner testified that she had previously been involved in a relationship where she was the victim of domestic violence. *Id.* at 4. The record in this matter shows that Petitioner has received 62 months of WFNJ/TANF benefits, which exceeds the 60-month lifetime limit for receipt of WFNJ/TANF benefits. *Id.* at 5. In order to be considered eligible for additional WFNJ/TANF benefits, Petitioner would need to qualify for an exemption from or extension of the WFNJ/TANF benefits lifetime limit. Prior to the hearing, Petitioner did not present any evidence that she met any of the criteria required for an exemption from, or extension of, the WFNJ/TANF benefits time limit. See N.J.A.C. 10:90-2.4.

The ALJ in this matter concluded that no testimonial or documentary evidence was presented to confirm that a request for verification was made to Petitioner regarding her July 2024 applications and as such, Petitioner was unaware of the need for additional information and verifications to be submitted. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's WFNJ/TANF and SNAP benefits was improper and should be reversed. *Id.* at 7. I agree as to the determination that Petitioner should be afforded the opportunity to submit the required information and verifications required to the Agency in order to evaluate her applications for benefits eligibility. However, the ALJ's conclusion that, because Petitioner has been the victim of domestic violence, based solely upon her testimony at the hearing, she is eligible for a waiver from the WFNJ/TANF benefits time limit, without an FVO assessment, does not comport with the regulatory requirements for a waiver. See Initial Decision at 7. Accordingly, the matter is remanded to the Agency to send Petitioner for a FVO assessment, on an expedited basis. N.J.A.C. 10:90-20.1 et seq. The Initial Decision is hereby modified to reflect these findings.

With respect to SNAP benefits, SNAP benefits cannot be issued until Petitioner has been determined eligible for same. See N.J.A.C. 10:87-2.19. Therefore, within 10 days of this Final Agency Decision, the Agency shall provide Petitioner with a Request for Verification. Petitioner shall have 10 days thereafter to submit the requested documentation and the Agency shall then evaluate Petitioner's eligibility for SNAP benefits. If Petitioner fails to provide the requested documentation, the Agency's denial shall stand as issued. If Petitioner provides documentation necessary to determine eligibility, and Petitioner is thereafter determined eligible for SNAP benefits, Petitioner shall be proved with retroactive SNAP benefits, as applicable. See N.J.A.C. 10:87-8.18.

Further, the Agency's case notes and testimony contain references to the potential that Petitioner suffers from mental health issues and, on that basis, may be eligible for an exemption from said WFNJ/TANF time limit, if she obtains from a mental health physician a completed, valid 12-month MED-1 form containing the information necessary to find eligibility for such exemption. See N.J.A.C. 10:90-2.4(a)(3)(i). The Initial Decision is also modified to reflect these findings.

Finally, if Petitioner complies with either, or both, of the above contingencies, and is found ineligible for a waiver of the WFNJ/TANF time limits, or ineligible for SNAP benefits, Petitioner may request another fair hearing on said substantive denials. The Initial Decision is further modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED in part, and REVERSED and REMANDED in part, to the Agency for further action, as outlined above.



Officially approved final version. March 18, 2025

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Natasha Johnson  
Assistant Commissioner

